

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

File No: HA-3851
180-Day Exp. Date: January 25, 2020

December 13, 2019

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

REGARDING: Conservation District Use Application (CDUA) HA-3793 for the Grossbard/Bourzat Single Family Residence and Associated Improvements.

**APPLICANT/
LANDOWNER:** Aharon Grossbard &
Francoise Bourzat

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

LOCATION: Keonepoko Iki, Puna, Hawai'i

**TAX MAP KEYS
(TMKs):** (3) 1-5-009:053

AREA OF PARCEL: 6.91 acres

USE: 18,940 square feet

SUBZONE: Resource

DESCRIPTION OF AREA/CURRENT USE

The subject property is an undeveloped shoreline parcel located in the Resource Subzone of the State Land Use Conservation District (**see Exhibit 1**). The property is almost completely covered in a dense forest which consists of some native hala trees that are scattered throughout the parcel but is predominantly comprised of non-native invasive trees. The project area is located makai of the Government Beach Road approximately ½ mile Northwest of the Hawaiian Beaches Subdivision in the District of Puna on the Island of Hawai'i (**see Exhibits 2 & 3**). The adjacent property to the Northwest is vacant and the adjacent property to the Southeast is currently being developed with a single-family residence and farm (CDUA HA-3797).

The approximately 6.91-acre shoreline property ranges in elevation from 20 feet above mean sea level at the makai boundary of the parcel to 70 feet above mean sea level at the mauka boundary of parcel. The area receives around 120 inches of rain annually and experiences an average temperature

around 75 degrees Fahrenheit. The coastline fronting the property is rocky sea cliffs averaging a height 15 feet to 20 feet which is typical for this portion of the Puna coast with no beaches or shallow offshore areas in the near vicinity. No water features such as streams, springs, or tidal ponds are found on or near the property.

There are two lava flows that underlie the subject property and they consist of an older 'a'ā lava flow that erupted 400 to 750 years ago and covers a majority of the parcel as well as a younger pāhoehoe flow that occurred 200 to 400 years ago (see Exhibit 4). The soils of the area are classified as part of the Opihikao series. The Opihikao soil series is characterized as being very thin organic soils that occur over a pāhoehoe lava substrate. They are also listed within the soil subclass of VIIs which are generally reserved for pasture, range, woodland, or wildlife uses. The limitations of the soil found on the subject property may have been one of the reasons that contributed to the parcel being used for ranching purposes in the past.

Hazards

The volcanic hazard mapping produced by the U.S. Geological Survey places the subject property in Lava Flow Hazard Zone 2 on a scale of ascending risk from 9 (low) to 1 (high). The relatively high hazard risk rating for the area is because of its location on the flanks of Kilauea which is an active volcano. Additionally, the island of Hawai'i experiences high seismic activity and structures that are poorly designed or built are at risk from major earthquake damage. The applicants understand that there are hazards associated with homes in this geologic setting and have made the decision that a residence in the subject area is not imprudent to construct or inhabit.

A Flood Zone Map obtained from the State's Flood Hazard Assessment Tool website shows that the subject property is in Flood Zone X which is defined as areas that are outside of the 500-year floodplain and have minimal risk of tsunami inundation (see Exhibit 5). The property has no evidence of tsunami inundation although the pāhoehoe areas of the shoreline have been affected by high storm waves similar in magnitude as the storm waves generated by Tropical Storm Iselle. Since the subject property is located on the shoreline and has been prone to erosion caused by storm and tsunami waves, a coastal erosion study was performed for the parcel by Geohazard Consultants International, Inc. The coastal erosion study which included the anticipated and accelerating effects of sea level rise and global warming found that the annual erosion rate for the property was 0.45 feet per year. Based on the requirements and standards of Exhibit 4 of HAR Chapter 13-5, the minimum shoreline setback for a single-family residence on the property would be approximately 71.5-feet.

Flora and Fauna

The entire subject property was systematically inspected for plants by Dr. Ron Terry of Geometrician Associates LLC in November 2018 (see Exhibit 6). Prior to the introduction of commercial agriculture, ranching, and lot subdivision, the natural vegetation of this portion of the Puna shoreline was mostly coastal forest and strand vegetation. The Puna shoreline was dominated by naupaka, hala, 'ohia, nanea, and various ferns, sedges, and grasses. The shoreline vegetation of the parcel, which extends about 125 feet mauka from the shoreline, more recently has become dominated by naupaka, hala, mau'u 'aki'aki, and 'ae'ae at the herb and shrub level. The only Federally and State listed endangered plant species that was found on the parcel was the clusters of *Ischaemum byrone* grass that grow in a shoreline area. The area where these clusters of *Ischaemum byrone* grass are found extends about 75 feet mauka from the property's sea cliffs. The clusters of *Ischaemum byrone* grass are only found in the Hilo and Puna Districts of the Big Island. There are enough individuals

of *Ischaemum byrone* grass present on the parcel to represent a substantial population that is important to conserve. Non-native and invasive trees such as ironwoods and autograph trees are also present in the shoreline area of the property as well as coconut palms. Some of the coconut palms appear to be affected by a form of Fruit and Heart Rot Disease and there are proposed plans to remove and dispose of the affected coconut palms on-site following State Department of Agriculture recommended protocols.

In the zone behind the shoreline vegetation, there is one 'ohia tree on the subject parcel and scattered hala, but otherwise no trace of the original forest. This part of the subject parcel is dominated by non-native trees such as ironwood, autograph, strawberry guava, common guava, octopus tree, cecropia, albizzia, gunpowder tree, mango, and macaranga. Non-native vines such as pilau maile, five-leaf yam, and lilikoi are also present on the subject property. All native types of fauna found on the subject property are very common in the region, on the island, and throughout the Hawaiian Islands.

Several non-native birds such as the Japanese white-eyes, common mynas, northern cardinals, Klij pheasants, and spotted doves have been observed on the property. Due to the parcel's low elevation, alien vegetation, and lack of adequate forest resources, the use of the area by native birds is unlikely. It is possible that the Hawaiian 'amakihi may sometimes be present however was not observed during site visits. Common shorebirds such as the Pacific golden-plover, ruddy turnstone, wandering tattler, and seabird black noddy are often seen on the Puna coastline. Only the Pacific golden-plover was observed during site visits. Several endangered native terrestrial vertebrates may be present in the area as they may fly, roost, nest, or utilize resources of the property. These included the endangered Hawaiian hawk, the endangered hoary bat, the endangered Hawaiian petrel, the endangered band-rumped storm petrel, and the threatened Newell's shearwater. Any other animal species that may be present on the property are introduced or non-native and are not of conservation concern. Furthermore, the introduced or non-native animal species that may be present on the property may be deleterious to native flora and fauna.

Historic/Cultural

An archeological assessment survey and a cultural impact assessment was prepared for the property. No specific traditional cultural sites or practices were identified to exist or have taken place within the property. However, consultees in these assessments noted that an unlocated *kū'ula* is present in Keonepoko Iki and that local fisherman continue to access this coastline. Many consultees expressed their wish that coastal access be maintained in the general vicinity. It was also expressed that the general area of Keonepoko Iki is known to contain *iwi kupuna* and therefore landowners should take a proactive approach for the care and preservation of human remains.

Part of the CDUA process requires that the applicant submit a Hawai'i Revised Statutes (HRS), 6E form developed by the State Historic Preservation Division (SHPD). Pursuant to HRS, §6E-42, prior to any agency or officer of the State [in this case the Board] approves any project involving a permit, license, certificate, land use change, subdivision, or other entitlement for use, which may affect historic property, aviation artifacts, or a burial site, the agency or office [OCCL] shall advise SHPD prior to any approval and allow SHPD an opportunity to review and comment on the effect of the proposed project on historic properties.

On July 30, 2019, OCCL submitted the required HRS, 6E form and supplemental information to SHPD for review with an Effect Determination of "no historic properties affected" and noted as

SHPD Log No. 2019.01715. On October 11, 2019, SHPD sent OCCL a letter stating that they had concurred with OCCL's effect determination of "No historic properties affected" (see **Exhibit 7**).

PROPOSED USE

The landowners are proposing to construct a 2,560 sq. ft single story single-family residence (SFR), 858 sq. ft carport and utility shed, and conduct landscaping improvements on the parcel (see **Exhibit 8**). The proposed SFR will consist of 3 bedrooms, 2 bathrooms, a kitchen, dining and living area, and lanai and deck areas (see **page 2 Residence Floor Plan of Exhibit 8**). The SFR is planned to be set back 153 feet from the shoreline as measured from the top of the rock cliff-face fronting the coast well beyond the minimum shoreline setback of 71.5 feet and the proposed home will have a maximum height of 20 feet and 10 inches. A small utility shed and carport is also proposed near the proposed residence and turn-around area (see **pages 4 & 5 of Exhibit 8**). The applicants state that this would be a largely open shed structure with a small enclosure near the rear for tool and equipment storage. Access to the property is via an existing 12-foot wide driveway off Government Beach Road. The applicants are proposing to widen the existing driveway to 20 feet to meet current fire code standards for emergency vehicle access (see **page 1 of Exhibit 8**). In addition, the applicants are proposing to create a new 20-foot wide gravel turnaround driveway area fronting the proposed SFR.

Electrical power and telecommunications will be provided to the SFR through overhead lines from the existing HELCO and Hawaiian Telephone Company utility lines along Government Beach Road. This will involve the installation of three utility poles; two (2) along the driveway and one (1) near the utility shed/carport structure. The lines will run approximately 22 feet above ground and may require trees in the immediate vicinity to be trimmed to provide ample clearance. The utility poles would be placed into holes that are expected to be 2 feet in diameter and 5 feet deep located next to the existing driveway to facilitate access and minimize impacts to the land.

Domestic water supply will be provided from an onsite well located along the southeast edge of the expanded driveway, approximately 300 feet makai of Government Beach Road (see **page 1 of Exhibit 8**). It will have a 1.5 Horse Power pump capable of delivering up to 50 gallons per minute. The water well and associated pump will be housed in a 24-square foot pumphouse that is 6 feet in height. The water will be pumped into a 10,000-gallon storage tank that will be located adjacent to the pumphouse and set on a pad of crushed rock (approximately 276 square feet) to provide a stable and level base. The proposed storage is expected to be more than adequate to meet the expected demand based on the applicants' projected average daily use of less than 200 gallons per day while having sufficient reserve capacity to meet the fire-flow requirements. An individual wastewater system comprised of a 1,000-gallon tank and 390 sq. ft absorption field is also proposed. The applicants state that this individual wastewater system will exceed all regulatory requirements.

In addition, the landowners are proposing several landscaping projects on the property (see **page 6 Landscape Plan of Exhibit 8**). Landscaping in the immediate vicinity of the SFR site includes naupaka, hala, and ama'u which will be planted at the perimeter of the house site. Grassing using a seashore paspalum, will be planted in the area directly south of the house between the house and the driveway parking. In the area to the south of the lawn and driveway parking area, the landowners would like to plant an orchard of tropical fruit trees that includes avocado, mango, banana, and various citrus. In the areas proposed for landscaping, the existing vegetation will be removed by hand and disposed on site, either through chipping, composting, or both. Native hala trees are present on the property and the landowners are proposing to preserve the hala found within these landscaping areas. Site preparation for the SFR includes the possible removal of up to 42 hala trees.

Since relocation of mature hala is seldom successful, the landowners are proposing to replace any hala tree that is removed with healthy juveniles on a one-to-one basis.

Within the area mauka of the home, the landowners plan to remove as many as 16 of the larger invasive trees including albizia, autograph, octopus, and melochia through a combination of girdling, herbicide injection, and chain sawing (see **Exhibit 9**). These will be replaced with native species common to the area like hala, kou, milo, and kamani. No heavy equipment will be used. In the process of removal, the wood material of the trees will be cut to size and allowed to decay in-situ. In addition, hand cutting of smaller (less than 3-inch caliper) intermittent autograph, octopus, strawberry guava, macaranga, and melochia will also occur to access the areas of the larger trees. A light treatment of "Round-up" will be used in the areas in which trees have been removed as well as the use of a weed-eater, pruning tools, and/or machete to suppress the growth of invasive tree seedlings for maintenance purposes. The areas cleared will be replanted with native species appropriate to the area. The applicants have identified hala, kou, milo, and kamani as the native species that will be used for replanting.

Within the coastal area of the property, the landowners are proposing to remove non-native trees including ironwood, octopus, and autograph trees. In addition, 12 ironwood trees in the area of the pāhoehoe flat near the shoreline at the northern, makai corner of the property are proposed for removal. Trees will be removed by hand with no use of construction and/or grading equipment or the use of chemicals or herbicides due to the presence of the endangered *Ischaemum byrone* grass found in the coastal area of the property. Trees will be cut at or near the ground level and the stumps left in place.

The landowner would also like to remove several dead or dying coconut palms that appear to be afflicted with a form of the Fruit and Heart Rot Disease. The trees will be removed by hand or cut at or near the ground level and the stumps left in place. In an effort to control the spread of the disease to other palms, the afflicted coconut palms or remaining trunks, once removed, will be disposed of on-site following protocols recommended by the State Department of Agriculture which includes incineration or deep burial of the affected trunks and vegetation and disinfecting tools following removal activities.

OTHER ALTERNATIVES CONSIDERED:

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

Alternative 2: Proposed Project, Alternative House Sites, and Alternative Uses. Any number of other locations on the property could also serve as the site for a residence, but none have the advantages of the proposed site in terms of breezes and views while avoiding mosquitos and impacts to native shoreline vegetation. There is no known environmental or other reason for seriously considering other sites on the property.

No other alternative uses for the property that are identified in the Conservation District Rules (HAR 13-5) as allowable uses in the Conservation District, such as a commercial tourist nature park, are desired by the applicants, and thus none are addressed in the Environmental Assessment.

SUMMARY OF COMMENTS

The Office of Conservation and Coastal Lands referred the application, as well as the Draft Environmental Assessment (EA) to the following agencies and organizations for review and comment:

State Agencies:

DLNR, Division of Conservation and Resource Enforcement
DLNR, Division of Forestry and Wildlife
DLNR, Hawai'i District Land Office
Department of Health
Office of Hawaiian Affairs

County Agencies:

County of Hawai'i, Department of Planning
County of Hawai'i, Fire Department

Other Individuals/Organizations:

Malama O Puna

In addition, this application was also sent to the nearest public library, the Pahoia Public and School Library, to make this information readily available to those who may wish to review it.

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

THE STATE

DEPARTMENT OF LAND AND NATURAL RESOURCES

Hawai'i District Land Office:

Comments: No Comments.

Applicant's response: I am in receipt of your September 12, 2019 letter to project planner James Leonard that provided comment letters on the Draft EA and discussed Final EA processing.

In the interest of a complete record on comment letters to the EA/CDUA, I would first like to acknowledge receipt of comments from DLNR agencies contained within form memos circulated by your office. We acknowledge here the *no-comment* remarks of the Land Division, Hawai'i District Branch conveyed by memo of August 21, 2019. Concerning the August 20, 2019 letter from the County of Hawai'i Planning Department, please see attached letter.

Thank you for circulating the EA and CDUA for review by DLNR and other agencies.

COUNTY OF HAWAI'I

COUNTY OF HAWAI'I PLANNING DEPARTMENT

Comments: Thank you for your letter date August 2, 2019, requesting comments from this office regarding a Draft Environmental Assessment (DEA) for the above referenced project and property.

According to the submittal, the applicant is proposing to construct a 2,560-square foot Single-Family Residence (SFR) and related improvements, including landscaping, the establishment of a garden-area, and the planting of fruit trees for personal use. Additionally, the proposed SFR and associated development will be located approximately 153-feet from the shoreline and therefore is not within the County of Hawai'i shoreline *setback* area.

The property is located within the County of Hawai'i Special Management Area (SMA). According to Chapter 205A-22, HRS, and Planning Commission Rule No. 9-4(e)(I)(B) and (A) relating to the Special Management Area, the "*Grading, removing, dredging, mining, or extraction of any materials*" and "*Placement or erection of any solid material or any gaseous, liquid, solid, or thermal waste*", respectively, is defined as "development." Therefore, the applicant is required to submit to this office a *Special Management Area Assessment Application* prior to beginning construction.

We would like to inform you that there are established historic trails located along this coastline, however, we recognize that maps may not exist. We ask that the applicant contact Na Ala Hele trail program (Hawai'i Island) to ensure there are no access trails or easements traversing the shoreline area (or top of pail) fronting the subject parcel.

The Planning Department appreciated that the applicant integrated a discussion on how the project aligns within the County of Hawai'i General Plan (2005) and LUPAG designation. Additionally, we appreciate the applicant including a discussion on the projects integration with the *Puna Community Development Plan* (PCDP).

Applicant's response:

1. *The applicant is required to submit to this office a Special Management Area Assessment Application prior to beginning construction.*

Project planner James Leonard has prepared an SMA Assessment and expects to provide it with the FONSI when it is issued by DLNR, per our understanding of the SMA requirements for the County of Hawai'i.

2. *There are established historic trails located along this coastline, even if maps may not exist. Contact the Na Ala Hele trail program (Hawai'i Island) to ensure there are no access trails or easements traversing the shoreline area (or top of pali) fronting the subject parcel.*

The EA included both an archaeological inventory survey and a cultural impact assessment that carefully researched both the on-ground features and all known documentary source concerning trails. The only trail recorded in the area was what ultimately became the Government Beach Road. Early consultation was conducted with the Land Division of DLNR, which provided a copy of the letter to Na Ala Hele. The Draft EA was also provided by OCCL to Na Ala Hele. Neither of these communications resulted in a comment from the agency. Out of deference to your concerns, Principal Investigator Matt Clark, M.A., of ASM Affiliates contacted Jackson Bauer of Na Ala Hele on September 12, 2019 and initiated a discussion on the potential presence of trails that involved sharing the extensive set of maps, deeds and testimony that ASM utilized in preparing its studies. No evidence of trails has emerged to date from this discussion; the dialogue is continuing and Project Planner James Leonard will inform the Planning Department if any new information arises.

3. *The Planning Department appreciates that the applicant integrated a discussion on how the project aligns within the County of Hawai'i General Plan, LUPAG designation, and Puna Community Development Plan.*

Thank you for acknowledging this discussion.

ANALYSIS

Following review and acceptance for processing, the Applicant was notified, by correspondence dated July 29, 2019 that:

1. The proposed use is an identified land use in the Resource Subzone of the Conservation District, pursuant to Hawai'i Administrative Rules (HAR) §13-5-24, R-7 SINGLE FAMILY RESIDENCE (D-1) *A single family residence that conforms to the design standards as outlined in this chapter* and HAR §13-5-23, L-1, LANDSCPAING (D-1) *agriculture, within an area of more than one acre, defined as the planting, cultivating, and harvesting of horticultural corps, floricultural crops, or forest products, or animal husbandry. A management plan approved simultaneously with the permit, is also required.;*
2. Pursuant to HAR §13-5-40 HEARINGS, a Public Hearing will not be required;
3. In conformance with Chapter 343, Hawaii Revised Statutes (HRS), as amended, and Chapter 11-200, HAR, a finding of no significant impact to the environment (FONSI) is anticipated for the proposed project; and
4. The subject area is within the Special Management Area (SMA). The applicant's responsibility includes complying with the provisions of Hawai'i's Coastal Zone Management law (Chapter 205A, HRS) that pertain to the Special Management Area (SMA) requirements administered by the various counties. Negative action on this application can be expected should you fail to obtain and provide us, at least forty-five (45) days prior to the 180-day expiration date, one of the following:
 - An official determination that the proposal is exempt from the provisions of the county rules relating to the SMA;
 - An official determination that the proposed development is outside the SMA; or
 - An SMA Use Permit for the proposed development.

The Final EA/Finding of No Significant Impact (FONSI) was issued by the DLNR Chairperson and published in the October 23, 2019 edition of the Office of Environmental Quality Control's *The Environmental Notice*.

CONSERVATION CRITERIA

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

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

The objective of the Conservation District is to conserve, protect, and preserve the important natural resources of the State through appropriate management and use to promote their long-term sustainability and the public health, safety, and welfare.

The proposed use is an identified land use in the Resource subzone of the Conservation District; as such, it is subject to the regulatory process established in Chapter 183C, HRS and detailed further in Chapter 13-5, HAR. This process provides for the application of appropriate management tools to protect the relevant resources, including objective analysis and thoughtful decision-making by the Department and Board of Land and Natural Resources.

The *Ischaemum byrone* grass is the only State and Federally listed plant or animal species found on the subject parcel. The grass is only found in the Hilo and Puna Districts of the Big Island and typically grows on pahoehoe close to the edge of sea cliffs. On the subject parcel, the *Ischaemum byrone* grass is restricted to a narrow zone within about 75 feet of the property's sea cliffs and there are enough clusters of the grass to represent a substantial population that is important enough to conserve. The applicants have acknowledged this and are proposing that all removal of trees in the shoreline area will be done by hand to limit potential impacts to *Ischaemum byrone* grass. Additionally, the applicants are proposing the following Best Management Practices along the shoreline area during construction and tree removal to help preserve this endangered grass:

1. The mauka boundary of shoreline vegetation will be demarcated with orange construction fencing to prevent inadvertent intrusion of equipment, materials, and personnel.
2. A biologist will install green flagging tape that indicates "safe" paths to the ironwood trees planned for removal. No access will be allowed outside these paths during construction or tree removal.
3. The biologist will encircle clusters of *Ischaemum byrone* grass near the ironwood trees to be removed with yellow caution tape to ensure they are not trampled or affected by tree removal.
4. All fencing and flagging will be removed at the end of construction and tree removal.

No other rare, threatened, or endangered plant or animal species or significant habitats are known to exist on the subject property. However, as with all of East Hawai'i, several endangered, native terrestrial vertebrates may be present in the general area and may overfly, roost, nest, or utilize resources of the property. These include the endangered Hawaiian Hawk (*Lasiurus cinereus semotus*), the endangered Hawaiian hoary bat (*Lasiurus cinereus semotus*), the endangered Hawaiian Petrel (*Pterodroma sanwicensis*), and the threatened Newell's Shearwater (*Puffinus newelli*). In order to avoid impacts to the endangered terrestrial vertebrates identified, the applicant has acknowledged this and will adhere to the following:

- Refrain from construction activities that disturb or remove vegetation between June 1 and September 15, when Hawaiian hoary bats may be sensitive to disturbance;
- If land clearing occurs between March 1 and September 30, a pre-construction hawk nest search by a qualified ornithologist using standard methods will be conducted. If Hawaiian Hawks are present, no land clearing will be allowed until October, when hawk nestlings will have fledged;
- Any and all exterior lighting will be shielded downwards, in conformance with Hawai'i county Code §14-50 et seq., to minimize the potential for disorientation to seabirds.

The applicant has completed an archaeological survey of the property and a Cultural Impact Assessment. Based upon those studies, there does not appear to be any evidence of archaeological resources on the site and the Cultural Impact Assessment did not reveal any cultural resources or practices occurring on or near the proposed residential site that may be affected by the construction.

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

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

The design and construction of the residence conforms to the design standards set forth in §13-5, HAR. The property owners are committed to managing their property in a manner that is protective of the natural resources present. Staff believes the proposed land use is consistent with the objectives of the subzone, provided identified mitigation and best management practices are adhered to.

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

Staff believes the proposed project complies with provisions and guidelines contained in Chapter 205, HRS regarding Coastal Zone Management. The proposed use would be consistent with Chapter 205A because it would not affect public access to recreational areas, historic resources, scenic and open space resources, coastal ecosystems, economic uses, nor be exposed to coastal hazards. A SMA Assessment Application has been prepared and will be submitted to the County of Hawai'i Planning Department in order to specifically address the SMA related issues. Lateral access along the shoreline will not be impacted; no significant public views will be impacted, there will be minimal grading; and Best Management Practices (BMPs) will be implemented to minimize potential impacts to coastal ecosystems during construction.

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

Staff believes the proposed land use will not cause substantial adverse impacts to existing natural resources within the surrounding area, community, or region provided that mitigative measures are implemented and the applicant shall be required to take measures to minimize or eliminate the interference, nuisance, harm, or hazard that the project may cause. Through the selective removal and control of invasive species that currently dominate the property and their replacement with native species commonly found in the area along with the protection of the existing native plantings, the proposed uses of the property by the applicants will have a positive or supportive impact to the native ecosystems. Staff notes that the applicants believe that allowing them to build their home and use the subject property may also aid in discouraging the illegal dumping that has historically occurred along the Government Beach Road.

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

The property is in the vicinity of the established rural residential subdivision, Hawaiian Beaches Subdivision. The adjacent lot is being developed with a residence and subsistence farming. Therefore, staff believes the proposal is compatible with the locality.

The home design is modest and shall adhere to compatibility provision requirements of Exhibit 4 Single Family Residential Standards of Chapter 13-5, HAR.

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

The site does not contain unique features either topographically or geologically. Natural or existing vegetation consists of non-native plants and the biological report concluded there is little biological concern due to the non-native plants and the invasive nature of the vegetation of the parcel. The landscaping plan proposes to protect and enhance the few populations of the native plants that exist on the subject property while reintroducing native plantings to replace invasive species in the areas immediately surrounding the residence. Any native plants that will be removed during the siting of the single-family residence and carport and utility shed will be replaced on a one to one basis.

The residence would be obscured from view by the existing vegetation along the Government Beach Road and existing views to and along the coast. Staff believes the open space characteristics of the area will be preserved.

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

No subdivision of land is proposed for this project.

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

Staff believes the proposed land use will not be materially detrimental to the public health, safety, and welfare as mitigated. The proposed single-family residence and associated improvements are being setback 153 feet from the shoreline allowing for public access while limiting potential exposure to coastal hazards and sea level rise. With the incorporation of an appropriately designed and operated individual wastewater system, combined with other BMPs identified, the proposed residential land use will not result in materially detrimental impacts to public health, safety, and welfare.

CULTURAL IMPACT ANALYSIS:

The subject property does not contain any springs, land features, or caves that might be of cultural importance. An archaeological survey of the property found no evidence of archaeological resources on the site or features that might be of cultural significance. No gathering of plant material is noted from the property. Aside from the area of a previously undisturbed portion of the property in the coastal strip that includes a native portion of grasses and the dispersed hala trees that re-sprouted in the previously disturbed portion of the parcel, vegetation on the property is dominated by non-native weeds with no cultural values or associations.

A Cultural Impact Assessment of the property that was based on archival research on the history of the property, region, and oral consultations did not reveal any cultural resources or practices being associated with the property. As part of the Cultural Impact Assessment, consulted individuals with family ties and personal knowledge of the area were able to provide information concerning the prior ownership and uses on the property. These Individuals were not aware of any use of the property for cultural practices. Wayland Lum, who currently manages much of the surrounding and nearby ranch lands, which have been in the Wayland family since the 1920's, confirmed that the subject property had been used for cattle ranching and that his grandfather put in the coastal road as part of the previous ranching activities. Remnants of this coastal road are still evident in the area just mauka of the proposed house site. Although no specific cultural resources or practices have been associated with the subject property, it is recognized that the shoreline areas of Puna, including the area fronting the property, are accessed for fishing and gathering of shellfish in the traditional and non-traditional contexts. As noted, the proposed residence and associated improvements will be set back a significant distance from the shoreline such that the development and use of the property will not inhibit any existing or future traditional use of the shoreline area fronting the property.

DISCUSSION

The proposed 2,560 sq. ft SFR consists of three bedrooms, two bathrooms, two outdoor showers, a kitchen, dining and living area, and lanai and deck areas. Electrical power and telecommunications will be provided to the proposed SFR through overhead utility lines while water will be supplied from an onsite water well, pump, and 10,000-gallon storage tank that will be located 300 feet makai of Government Beach Road along the expanded driveway. A 1,000-gallon septic system and an approximately 390 sq. ft absorption field is proposed to treat the wastewater from the SFR. Compatibility provisions such as the use of earth toned or compatible colors with the

surrounding area will be utilized on the exterior of the residence. The proposed residence will be built as a single structure that will support the efficient use of energy and materials and will be designed in a manner that will allow for use of natural ventilation and lighting. The applicants are also proposing an 858 sq. ft carport and utility shed that is detached from the SFR to limit the required grading for these structures and uses. The structure will be primarily an open structure with a smaller enclosure at the back which would function as the utility shed for tool and equipment storage. Several landscaping projects are proposed as well.

Land clearing activities will take place on less than half an acre in compliance with Federal, State and Hawaii County laws. These activities will primarily occur on areas of the subject property that have been previously disturbed. This would leave approximately 6.4 acres of the property as unimproved. During construction, BMPs will be observed and implemented. Within the Environmental Assessment, the applicant has identified a number of mitigative measures, conditions, and practices to ensure that the proposal will have minimal effect on the natural resources that may be impacted by the proposed project. These proposed measures, conditions, and practices are incorporated into the permit. In addition, the proposed SFR is consistent with Chapter 13-5, Hawaii Administrative Rules, Exhibit 4, Single Family Residential Standards.

This area along the Keonepoko Iki coastline includes both Agricultural, Urban, and Conservation District land with a mixture of a small residential subdivision and larger lots used for agricultural purposes. The proposed structure is similar in scale to many of the neighboring homes and the structure has been designed to comply with the Single Family Residential Standards as outline in HAR, Chapter 13-5. A SFR was previously approved on October 13, 2017 by the Board to be built on nearby Parcel 55 (CDUP HA-3797). Staff believes that the project will have negligible adverse environmental or ecological effects provided that best management practices and mitigation measures as described in the application and environmental assessment, and as required by rule or laws, are fully implemented.

RECOMMENDATION

Based on the preceding analysis, staff recommends that the Board of Land and Natural Resources APPROVE Conservation District Use Application HA-3851 for a Single Family Residence (SFR) and Associated Improvements located at Keonepoko Ik, Puna, island of Hawai'i, TMK (3) 1-5-009:053, subject to the following conditions:

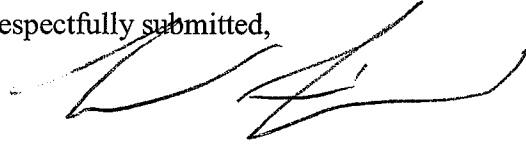
1. The permittee shall comply with all applicable statutes, ordinances, rules, and regulations of the federal, state, and county governments, and applicable parts of this chapter;
2. The permittee, its successors and assigns, shall indemnify and hold the State of Hawaii harmless from and against any loss, liability, claim, or demand for property damage, personal injury, and death arising out of any act or omission of the applicant, its successors, assigns, officers, employees, contractors, and agents under this permit or relating to or connected with the granting of this permit;
3. The permittee shall comply with all applicable department of health administrative rules;

4. The single family residence shall not be used for rental or any other commercial purposes unless approved by the board. Transient rentals are prohibited, with the exception of wilderness camps approved by the board;
5. The permittee shall provide documentation (e.g., book and page or document number) that the permit approval has been placed in recordable form as a part of the deed instrument, prior to submission for approval of subsequent construction plans;
6. Before proceeding with any work authorized by the department or the board, the permittee shall submit four copies of the construction plans and specifications to the chairperson or an authorized representative for approval for consistency with the conditions of the permit and the declarations set forth in the permit application. Three of the copies will be returned to the permittee. Plan approval by the chairperson does not constitute approval required from other agencies;
7. Unless otherwise authorized, any work or construction to be done on the land shall be initiated within one year of the approval of such use, in accordance with construction plans that have been signed by the chairperson, and shall be completed within three years of the approval of such use. The permittee shall notify the department in writing when construction activity is initiated and when it is completed;
8. All representations relative to mitigation set forth in the accepted application and environmental assessment or impact statement for the proposed use are incorporated as conditions of the permit;
9. The permittee shall plan to minimize the amount of dust generating materials and activities. Material transfer points and on-site vehicular traffic routes shall be centralized. Dusty equipment shall be located in areas of least impact. Dust control measures shall be provided during weekends, after hours and prior to daily start-up of project activities. Dust from debris being hauled away from the project site shall be controlled. Landscaping and dust control of cleared areas will be initiated promptly;
10. The permittee shall notify the Office of Conservation and Coastal Lands (OCCL) in writing prior to the initiation and upon completion of the project;
11. Should historic remains such as artifacts, burials or concentration of charcoal be encountered during construction activities, work shall cease immediately in the vicinity of the find, and the find shall be protected from further damage. The contractor shall immediately contact SHPD (692-8015), which will assess the significance of the find and recommend an appropriate mitigation measure, if necessary;
12. The permittee shall utilize Best Management Practices for the proposed project;
13. During construction, appropriate mitigation measures shall be implemented to minimize impacts to the aquatic environment, off-site roadways, utilities, and public facilities;
14. The single-family residence shall conform to the single-family residential standards included as Exhibit 4 of the Hawaii Administrative Rules, Chapter 13-5;

15. The permittee understands and agrees that the permit does not convey any vested right(s) or exclusive privilege;
16. In issuing the permit, the department and board have relied on the information and data that the permittee has provided in connection with the permit application. If, subsequent to the issuance of the permit such information and data prove to be false, incomplete, or inaccurate, this permit may be modified, suspended, or revoked, in whole or in part, and the department may, in addition, institute appropriate legal proceedings;
17. When provided or required, potable water supply and sanitation facilities shall have the approval of the department of health and the county department of water supply;
18. Where any interference, nuisance, or harm may be caused, or hazard established by the use, the permittee shall be required to take measures to minimize or eliminate the interference, nuisance, harm, or hazard;
19. Obstruction of public roads, trails, and pathways shall be avoided or minimized. If obstruction is unavoidable, the permittee shall provide alternative roads, trails, or pathways acceptable to the department;
20. During construction, appropriate mitigation measures shall be implemented to minimize impacts to off-site roadways, utilities, and public facilities;
21. The permittee shall obtain a county building or grading permit or both for the use prior to final construction plan approval by the department;
22. Artificial light from exterior lighting fixtures, including but not limited to floodlights, uplights, or spotlights used for decorative or aesthetic purposes, shall be prohibited if the light directly illuminates or is directed to project across property boundaries toward the shoreline and ocean waters, except as may be permitted pursuant to section 205A-71, HRS. All exterior lighting shall be shielded to protect the night sky;
23. The permittee acknowledges that the approved work shall not hamper, impede, or otherwise limit the exercise of traditional, customary, or religious practices of native Hawaiians in the immediate area, to the extent the practices are provided for by the Constitution of the State of Hawaii, and by Hawaii statutory and case law;
24. Any landscaping will shall be appropriate to the site location and shall give preference to plant materials that are endemic or indigenous to Hawai'i. The introduction of invasive plant species is prohibited;
25. Trees taller than 15 feet shall not be removed or trimmed during the Hawai'i Hoary bat birthing and pup rearing season from June 1st to September 15th;
26. If land clearing occurs between March 1 and September 30, a pre-construction hawk nest search by a qualified ornithologist using standard methods will be conducted. If Hawaiian Hawks are present, no land clearing will be allowed until October, when hawk nestlings will have fledged;


27. Other terms and conditions as may be prescribed by the Chairperson; and
28. Failure to comply with any of these conditions shall render this Conservation District Use Permit void under Chapter 13-5, as determined by the chairperson or board.

Respectfully submitted,



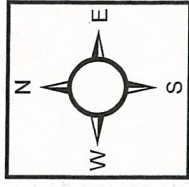
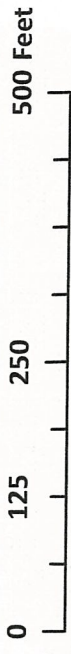
Trevor Fitzpatrick, Staff Planner
Office of Conservation and Coastal Lands

Approved for submittal:



SUZANNE D. CASE., Chairperson
Board of Land and Natural Resources

TMK: (3) 1-5-009:053 Grossbard/Bourzat Parcel



Grossbard/Bourzat TMK: (3) 1-5-009:053

Conservation Subzones

CONDIST

	General
	Resource
	Limited
	Protective
	Special
	Undesignated

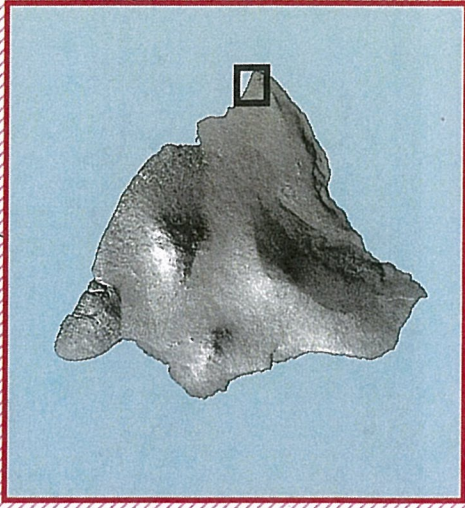
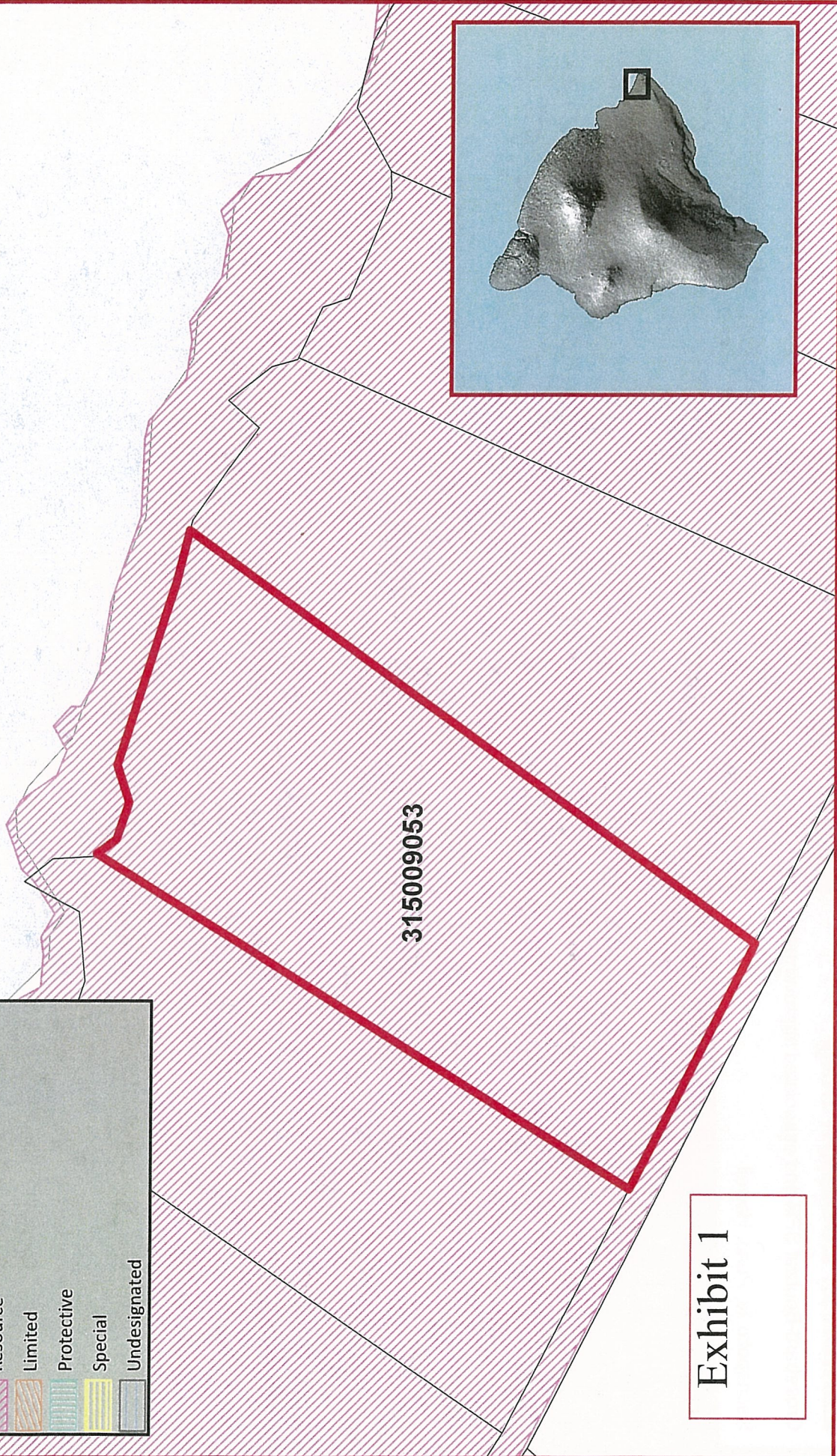



Exhibit 1

Exhibit 2: Location Map

Grossbard-Bourzat SFR and associated improvements.

Keonepoko Iki, Puna, Hawaii

Legend

 Project Site - Grossbard/Bourzat Parcel

 Project Site

Government Beach Rd

Welea St

Papaj St

Oopu St

Ono St

Opakapaka St

Opae St

Opihi St

Opelu St

Oio St

Ohiki St

Papio St

Coastal Puna Pkwy

Popaa St

2000 ft

Google Earth

© 2018 Google

Image © 2019 TerraMetrics

Image © 2019 Maxar Technologies

**GROSSBARD-BOURZAT SINGLE FAMILY RESIDENCE - CONSERVATION DISTRICT
USE PERMIT APPLICATION**

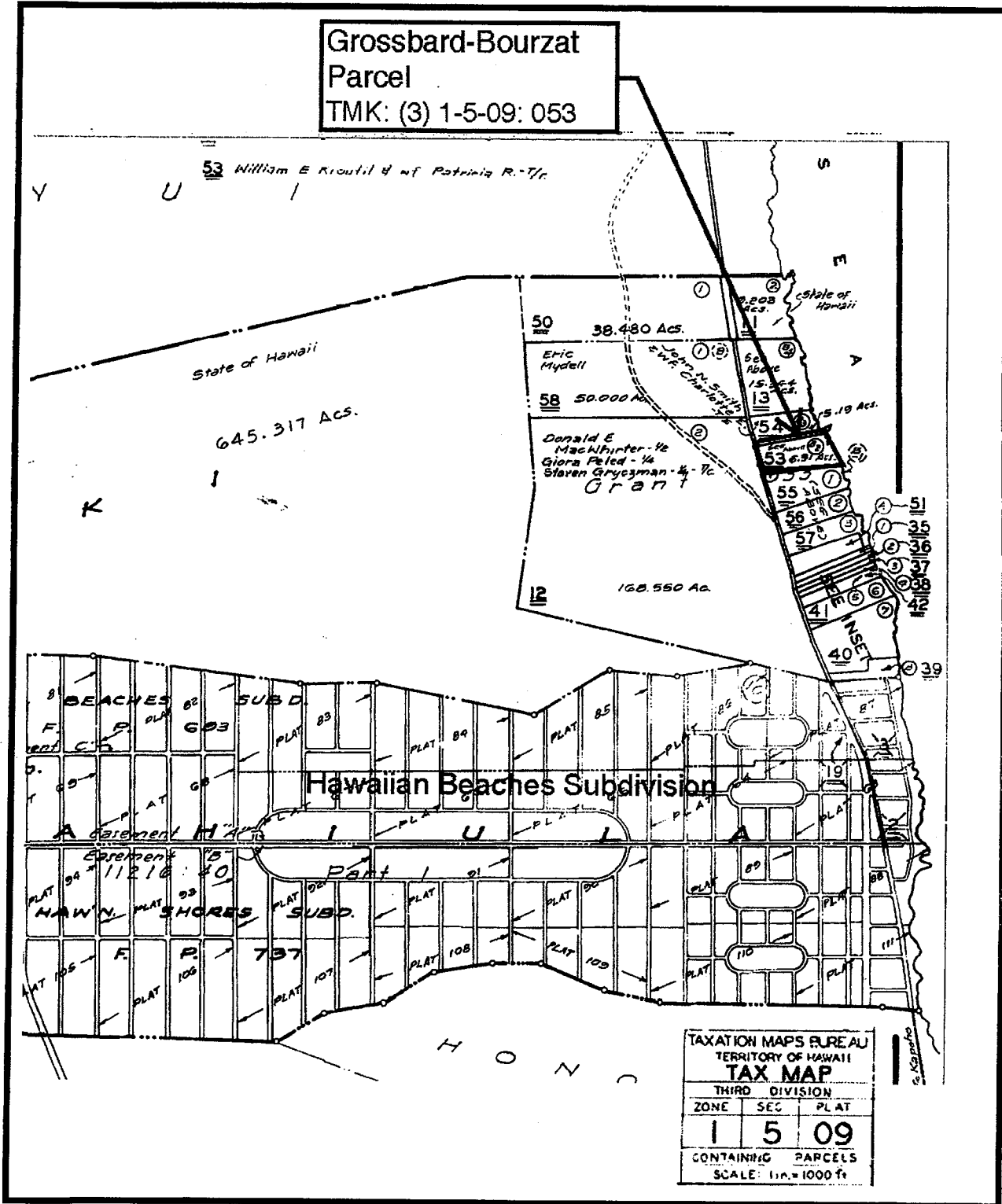


Exhibit 3

TMK Map

Grossbard-Bourzat Single-Family Residence

**Conservation District Use
Use Permit Application**

Exhibit 4

Lava Flows on the Grossbard-Bourzat Parcel

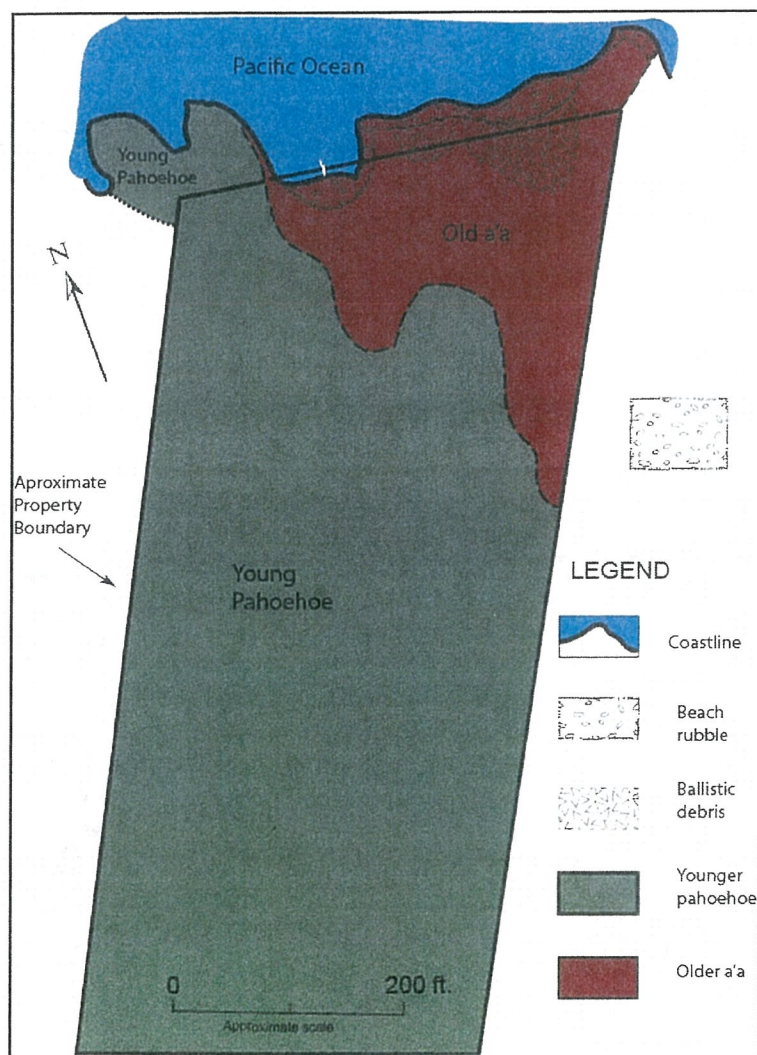


Figure 7 Geologic sketch-map of B-G Property showing two lava flows and coastal deposits.

GROSSBARD-BOURZAT SINGLE FAMILY RESIDENCE - CONSERVATION DISTRICT
USE PERMIT APPLICATION

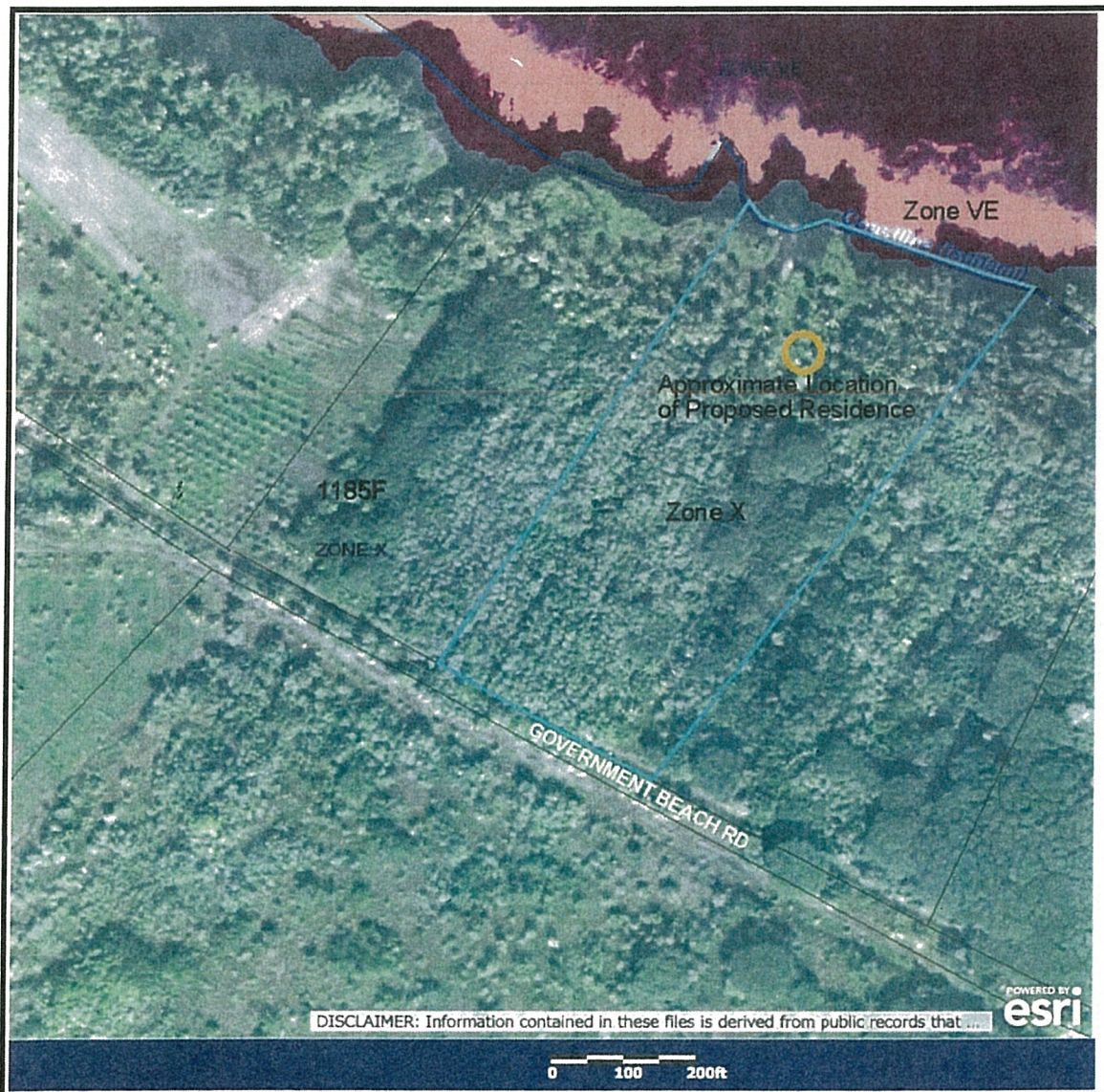
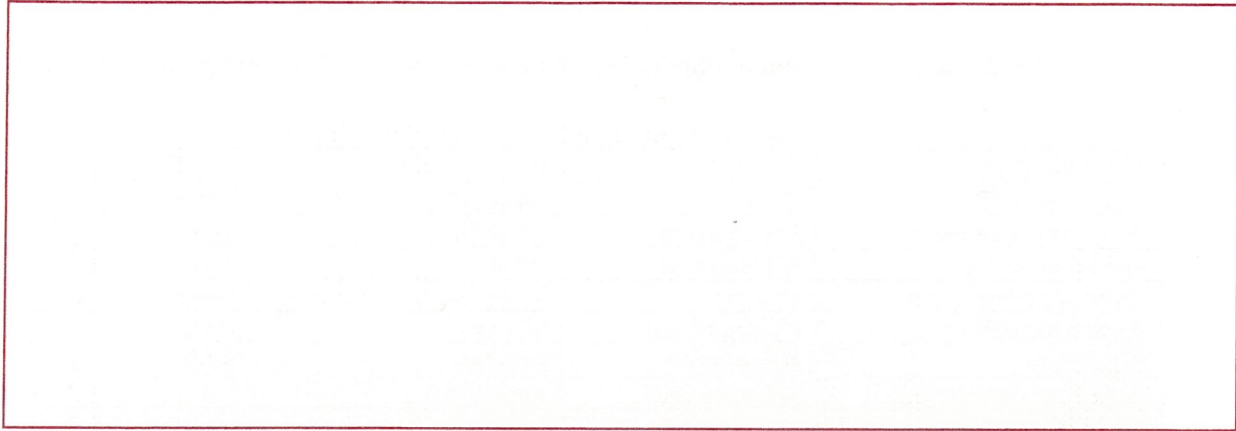


Exhibit 5 Flood Zone Map
Grossbard-Bourzat Single Family Residence
Conservation District
Use Permit Application

Grossbard/Bourzat Single-Family Residence at Keonepoko Environmental Assessment

Table 2. Plant Species Observed on Property

Scientific Name	Family	Common Name	Life Form	Status*
<i>Andropogon virginicus</i>	Poaceae	Broomsedge	Herb	A
<i>Araucaria columnaris</i>	Araucariaceae	Cook Pine	Tree	A
<i>Asplenium nidus</i>	Aspleniaceae	'Ekaha	Fern	I
<i>Axonopus compressus</i>	Poaceae	Wide-leafed Carpet Grass	Grass	A
<i>Bacopa monnieri</i>	Plantaginaceae	'Ae'ae	Herb	I
<i>Begonia sp.</i>	Begoniaceae	Begonia	Herb	A
<i>Casuarina equisetifolia</i>	Casuarinaceae	Ironwood	Tree	A
<i>Cecropia obtusifolia</i>	Cecropiaceae	Cecropia	Tree	A
<i>Cenchrus purpureus</i>	Poaceae	Napier Grass	Herb	A
<i>Centella asiatica</i>	Apiaceae	Asiatic Pennywort	Herb	A
<i>Chamaecrista nictitans</i>	Fabaceae	Partridge Pea	Herb	A
<i>Chamaesyce hirta</i>	Euphorbiaceae	Garden Spurge	Herb	A
<i>Christella dentata</i>	Thelypteridaceae	Cyclosorus	Fern	A
<i>Clidemia hirta</i>	Melastomataceae	Koster's Curse	Herb	A
<i>Clusia rosea</i>	Clusiaceae	Autograph Tree	Tree	A
<i>Cocos nucifera</i>	Arecaceae	Niu	Tree	PI
<i>Cordyline fruticosa</i>	Agavaceae	Ti	Shrub	A
<i>Crotalaria sp.</i>	Fabaceae	Rattlepod	Herb	A
<i>Cynodon dactylon</i>	Poaceae	Bermuda Grass	Grass	A
<i>Cyperus halpan</i>	Cyperaceae	Cyperus	Sedge	A
<i>Cyperus polystachyos</i>	Cyperaceae	Pycrus	Herb	I
<i>Cyrtomium falcatum</i>	Dryopteridaceae	Holly Fern	Fern	A
<i>Desmodium tortuosum</i>	Fabaceae	Florida Beggarweed	Herb	A
<i>Desmodium triflorum</i>	Fabaceae	Tick Clover	Herb	A
<i>Digitaria ciliaris</i>	Poaceae	Digitaria	Herb	A
<i>Dioscorea sp.</i>	Dioscoreaceae	Bitter Yam	Vine	PI
<i>Dissotis rotundifolia</i>	Melastomataceae	Dissotis	Herb	A
<i>Drymaria cordata</i>	Caryophyllaceae	Drymaria	Herb	A
<i>Eleusine indica</i>	Poaceae	Goose Grass	Grass	A
<i>Epipremnum pinnatum</i>	Araceae	Pothos	Vine	A
<i>Falcataria moluccana</i>	Fabaceae	Albizia	Tree	A
<i>Ficus microcarpa</i>	Moraceae	Banyan	Tree	A
<i>Fimbristylis cymosa</i>	Cyperaceae	Mau'u 'Aki'aki	Herb	I
<i>Fimbristylis dichotoma</i>	Cyperaceae	Fimbristylis	Herb	I
<i>Ischaemum byrone</i>	Poaceae	Hilo Ischaemum	Herb	END
<i>Kadua corymbosa</i>	Rubiaceae	Hedyotis	Herb	A
<i>Kyllinga brevifolia</i>	Cyperaceae	Kyllinga	Herb	A
<i>Lepisorus thunbergianus</i>	Polypodiaceae	Pakahakaha	Fern	I
<i>Macaranga mappia</i>	Euphorbiaceae	Macaranga	Shrub	A
<i>Mangifera indica</i>	Anacardiaceae	Mango	Tree	A
<i>Megathyrsus maximus</i>	Poaceae	Guinea Grass	Grass	A

Exhibit 6

page 1 of 2

Grossbard/Bourzat Single-Family Residence at Keonepoko Environmental Assessment

Table 2, continued				
Scientific Name	Family	Common Name	Life Form	Status*
<i>Melaleuca quinquenervia</i>	Myrtaceae	Paperbark Tree	Tree	A
<i>Melochia umbellata</i>	Sterculiaceae	Melochia	Tree	A
<i>Metrosideros polymorpha</i>	Myrtaceae	'Ōhi'a	Tree	E
<i>Mimosa pudica</i>	Fabaceae	Sleeping Grass	Herb	A
<i>Nephrolepis cordifolia</i>	Nephrolepidaceae	Sword Fern	Fern	I
<i>Nephrolepis multiflora</i>	Nephrolepidaceae	Sword Fern	Fern	A
<i>Oplismenus hirtellus</i>	Poaceae	Basketgrass	Herb	A
<i>Oxalis corniculata</i>	Oxalidaceae	Yellow Wood Sorrel	Herb	I
<i>Paederia scandens</i>	Rubiaceae	Maile Pilau	Vine	A
<i>Pandanus tectorius</i>	Pandanaceae	Hala	Tree	I
<i>Paspalum conjugatum</i>	Poaceae	Hilo Grass	Herb	A
<i>Paspalum urvillei</i>	Poaceae	Paspalum	Herb	A
<i>Passiflora edulis</i>	Passifloraceae	Passion Fruit	Vine	A
<i>Persea americana</i>	Lauraceae	Avocado	Tree	A
<i>Phymatosorus grossus</i>	Polypodiaceae	Laua'e	Fern	A
<i>Polygala paniculata</i>	Polygalaceae	Milkwort	Herb	A
<i>Psidium cattleianum</i>	Myrtaceae	Strawberry Guava	Tree	A
<i>Psidium guajava</i>	Myrtaceae	Guava	Tree	A
<i>Sacciolepis indica</i>	Poaceae	Glenwood Grass	Herb	A
<i>Sadleria cyatheoides</i>	Blechnaceae	Ama'u	Fern	E
<i>Scaevola taccada</i>	Goodeniaceae	Beach Naupaka	Shrub	I
<i>Schefflera actinophylla</i>	Araliaceae	Octopus Tree	Tree	A
<i>Scleria testacea</i>	Cyperaceae	Scleria	Herb	I
<i>Sida rhombifolia</i>	Malvaceae	Broom Weed	Herb	A
<i>Spathoglottis plicata</i>	Orchidaceae	Philippine Ground Orchid	Herb	A
<i>Spermacoce sp.</i>	Rubiaceae	Spermacoce	Herb	A
<i>Sphagneticola trilobata</i>	Asteraceae	Wedelia	Shrub	A
<i>Sporobolus africanus</i>	Poaceae	Smutgrass	Herb	A
<i>Stachytarpheta jamaicensis</i>	Verbenaceae	Jamaican Vervain	Herb	A
<i>Terminalia catappa</i>	Combretaceae	False Kamani	Tree	A
<i>Thunbergia fragrans</i>	Acanthaceae	White Thunbergia	Vine	A
<i>Tournefortia argentea</i>	Boraginaceae	Tree heliotrope	Tree	A
<i>Trema orientalis</i>	Ulmaceae	Gunpowder Tree	Tree	A
<i>Zingiber zerumbet</i>	Zingiberaceae	'Awapuhi	Herb	PI

A=Alien E=Endemic I=Indigenous END=Federal and State Listed Endangered

Exhibit 6

Page 2 of 2

DAVID Y. IGE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

STATE HISTORIC PRESERVATION DIVISION
KAKUHIHEWA BUILDING
601 KAMOKILA BLVD, STE 555
KAPOLEI, HI 9677

SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

ROBERT K. MASUDA
FIRST DEPUTY

M. KALEO MANUEL
DEPUTY DIRECTOR - WATER

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

October 11, 2019

Samuel J. Lemmo, Administrator
Office of Conservation and Coastal Lands
Department of Land and Natural Resources
P.O. Box 621
Honolulu, HI 96809
c/o Trevor.J.Fitzpatrick@hawaii.gov

IN REPLY REFER TO:
Log No. 2019.01715
Doc No. 1910GC01
Archaeology

Dear Mr. Lemmo:

**SUBJECT: Chapter 6E-42 Historic Preservation Review –
Request for Concurrence of Project Effect Determination
Conservation District Use Application, HA 3851
Grossbard-Bourzat Single Family Residence and Site Improvements
Keonepoko Iki Ahupua‘a, Puna District, Island of Hawai‘i
TMK: (3) 1-5-009:053**

This letter provides the State Historic Preservations Division’s (SHPD’s) review of the Department of Land and Natural Resources (DLNR), Office of Conservation and Coastal Lands (OCCL) submittal titled, *Conservation District Use Application – HA 3851, for a Single-Family Residence and associated Improvements, Keonepoko Iki, Puna Hawaii, TMK: (3) 1-5-009:053*, and a request for the SHPD’s concurrence with the OCCL’s project effect determination of “No historic properties affected”. The SHPD received this submittal on August 8, 2019. The submittal includes an OCCL cover letter dated July 30, 2019, an HRS 6E Submittal Form, a TMK Plat map, and a SHPD letter accepting an archaeological assessment (AA) report titled, *Archaeological Assessment for a 6.9-acre Parcel in Hawaiian Beaches Subdivision, Keonepoko Iki Ahupua‘a, Puna District, Island of Hawai‘i, TMK: (3) 1-5-009:053* (Barna and Bibby, September 2018). This AA was completed in support of the proposed project (May 17, 2019; Log No. 2019.00384, Doc No. 1905SN38).

The submittal indicates that the applicants, Francoise Bourzat and Aharon Grossbard, propose to construct an approximately 2,560-sq.-ft. single-family residence, with a detached utility shed/carport, a well site, a pump house for the water well, and a septic system, as well as installation of utility poles for overhead utility lines and extension and expansion of the existing drive within an approximate 0.66-acre portion of the 6.91-acre property. The AA report included in the submittal indicates that the archaeological inventory survey (AIS) field work identified no historic properties within the project area. Per HAR 13-284-5(b)(5)(A), when an AIS results in negative findings, the results shall be reported as an AA report. SHPD accepted the AA report, concurred with the report recommendation of no further archaeological work for the current project, and made a determination of no historic properties affected (May 17, 2019; Log No. 2019.00384, Doc. No. 1905SN38).

Based on the information provided, the SHPD concurs with the OCCL’s effect determination of “No historic properties affected” for the current project. Pursuant to HAR §13-284-7(e), when the SHPD agrees that the action will not affect any significant historic properties, this is the SHPD’s written concurrence and historic preservation review ends. The historic preservation review process is ended. The permitting process may continue.

Attach to permit: In the event that subsurface historic resources, including human skeletal remains, structural remains, cultural deposits, artifacts, sand deposits, or sink holes are identified during the demolition and/or

Exhibit 7

Page 1 of 2

Samuel Lemmo
October 11, 2019
Page 2

construction work, cease work in the immediate vicinity of the find, protect the find from additional disturbance, and contact the State Historic Preservation Division, at (808) 933-7650 or 933-7651.

Please contact Dr. Susan Lebo, Archaeology Branch Chief at Susan.A.Lebo@hawaii.gov or at (808) 692-8010 for any questions regarding this letter.

Aloha,
Susan A. Lebo

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

Exhibit 7

Page 2 of 2

**GROSSBARD-BOURZAT SINGLE FAMILY RESIDENCE - CONSERVATION DISTRICT
USE PERMIT APPLICATION**

GROSSBARD-BOURZAT RESIDENCE
SITE ADDRESS: TMK(3) 1-5-009, PARCEL B-2
KEONEPOKO-IKI, HAWAIIAN BEACHES, HI

AREA TABULATIONS:
LOT AREA: 6.9100 ACRES
300,100sf

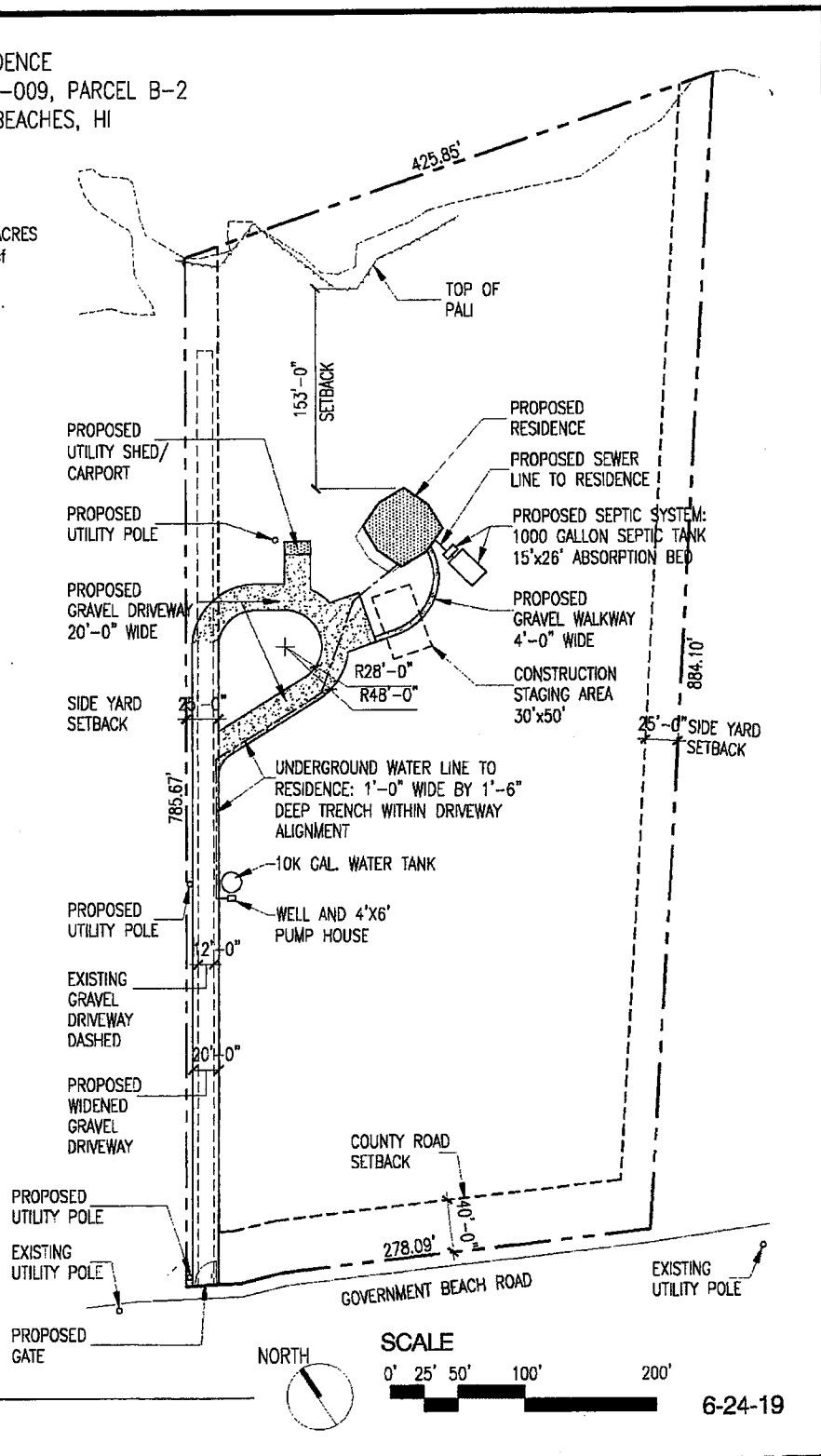
MAXIMUM ALLOWED
DEVELOPED AREA (MDA): 5,000sf

PROPOSED DEVELOPED AREA:
RESIDENCE:
INTERIOR SPACE 1,400sf
COVERED LANAI 790sf
DECK 370sf
RESIDENCE (TOTAL) 2,560sf

PROPOSED UTILITY
SHED/CARPORT: 858sf

WATER TANK AND PUMP
HOUSE: 300sf

TOTAL PROPOSED
DEVELOPED AREA: 3,718sf



1 SITE PLAN
1" = 100'-0"

SCALE
0' 25' 50' 100' 200'

6-24-19

Exhibit 8
page 1 of 6

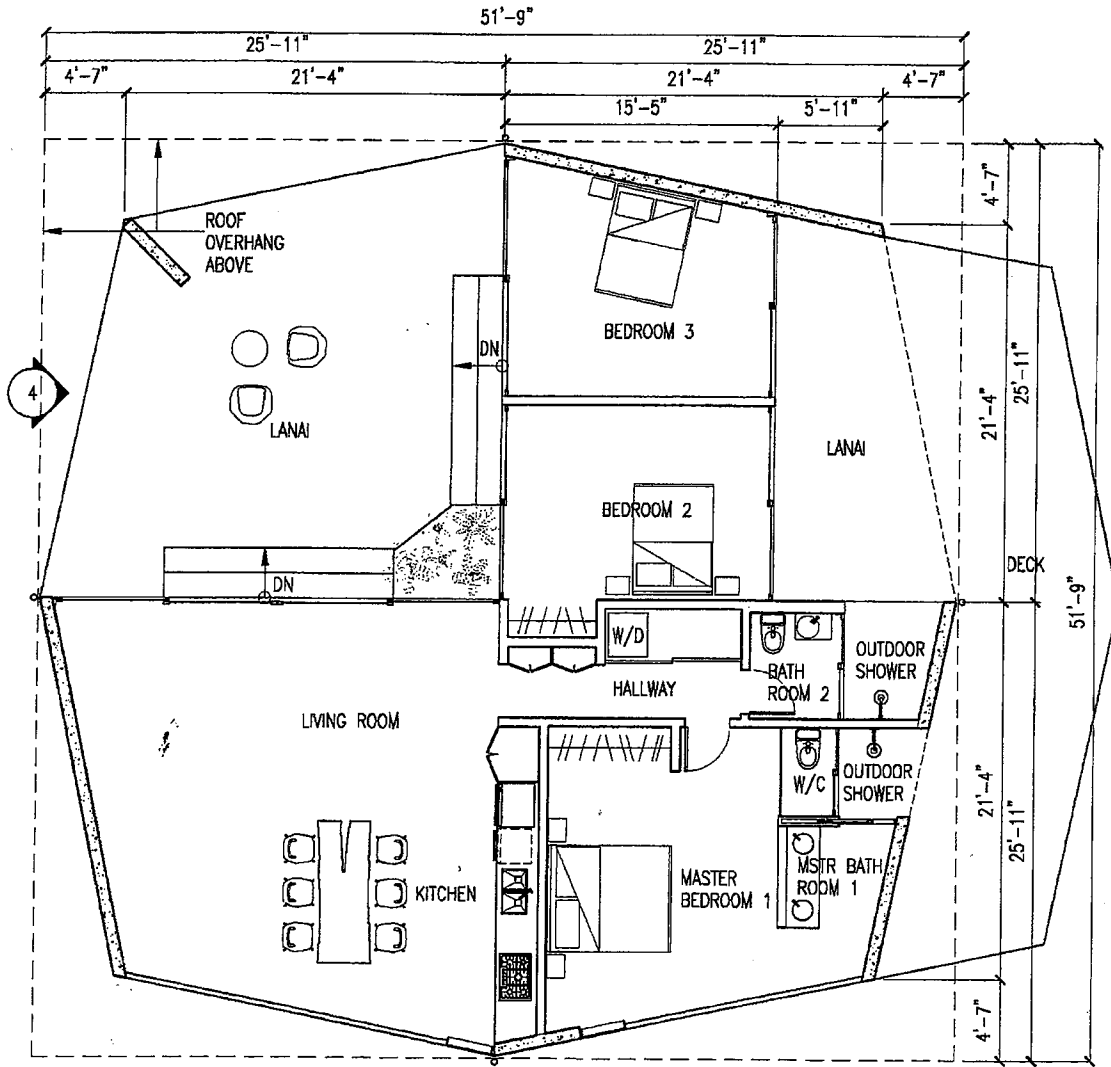
Site Plan
Grossbard-Bourzat Single-Family Residence
Conservation District
Use Permit Application

**GROSSBARD-BOURZAT SINGLE FAMILY RESIDENCE - CONSERVATION DISTRICT
USE PERMIT APPLICATION**

GROSSBARD-BOURZAT RESIDENCE
SITE ADDRESS: TMK(3) 1-5-009, PARCEL B-2
KEONEPOKO-IKI, HAWAIIAN BEACHES, HI

RESIDENCE AREA TABULATION:

INTERIOR SPACE	1,400sf
LANAI	790sf
DECK	370sf
RESIDENCE (TOTAL)	2,560sf



3 FLOOR PLAN
 $\frac{1}{8}'' = 1'-0''$

SCALE

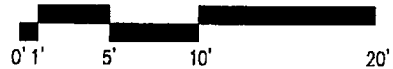


Exhibit 8

page 2 of 6

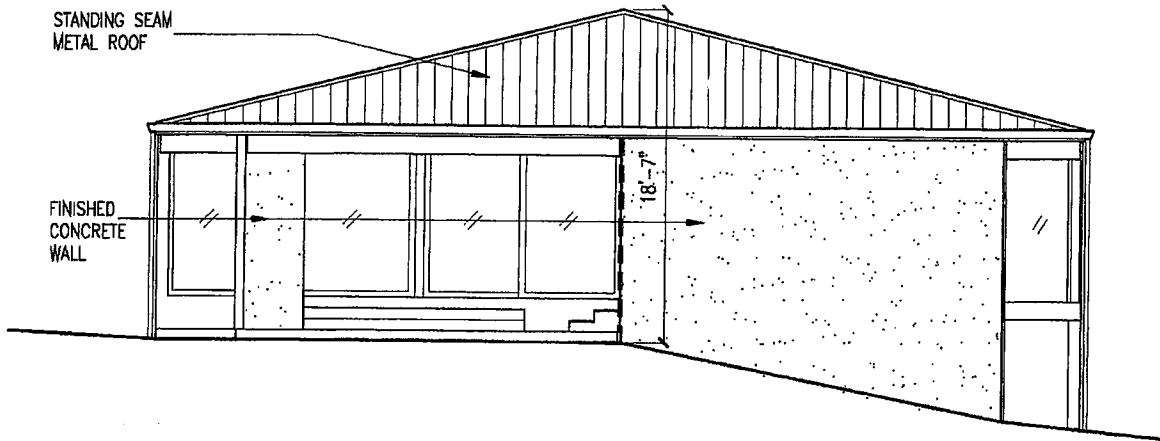
Residence Floor Plan

Grossbard-Bourzat Single-Family Residence

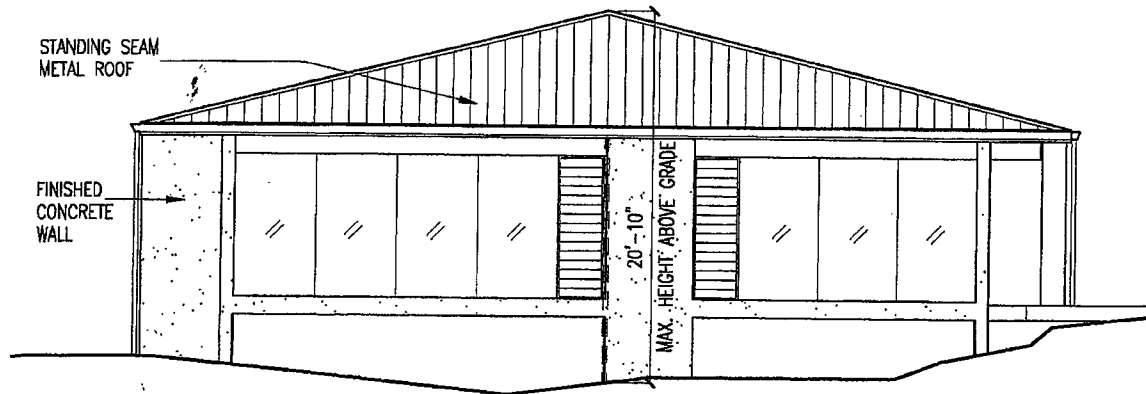
Conservation District
Use Permit Application

**GROSSBARD-BOURZAT SINGLE FAMILY RESIDENCE - CONSERVATION DISTRICT
USE PERMIT APPLICATION**

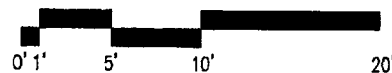
GROSSBARD-BOURZAT RESIDENCE
SITE ADDRESS: TMK(3) 1-5-009, PARCEL B-2
KEONEPOKO-IKI, HAWAIIAN BEACHES, HI



4 PROPOSED RESIDENCE ELEVATION - EAST
 $\frac{1}{8}'' = 1'-0''$



5 PROPOSED RESIDENCE ELEVATION - NORTH
 $\frac{1}{8}'' = 1'-0''$



SCALE

Exhibit 8

page 3 of 6

Residence Elevations

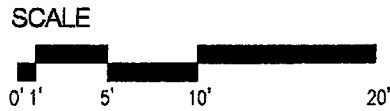
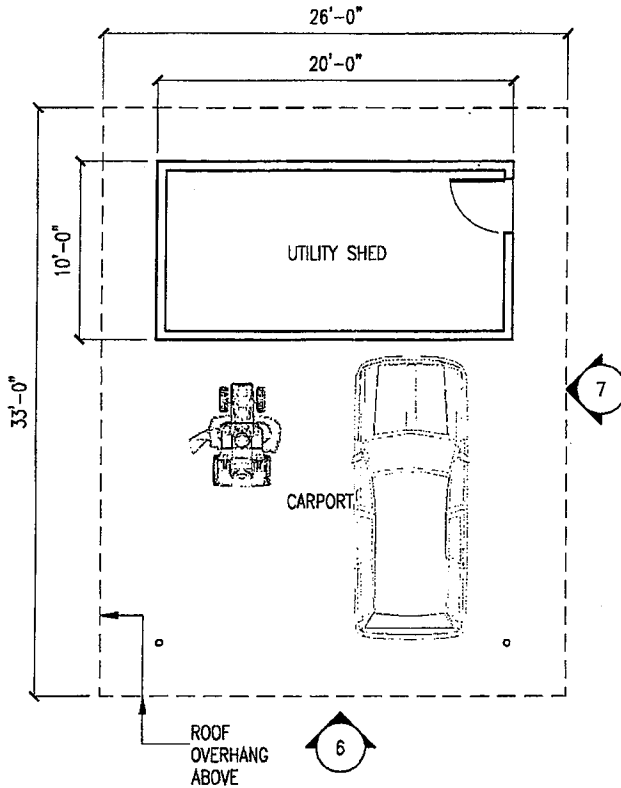
Grossbard-Bourzat Single-Family Residence

Conservation District
Use Permit Application

**GROSSBARD-BOURZAT SINGLE FAMILY RESIDENCE - CONSERVATION DISTRICT
USE PERMIT APPLICATION**

GROSSBARD-BOURZAT RESIDENCE
SITE ADDRESS: TMK(3) 1-5-009, PARCEL B-2
KEONEPOKO-IKI, HAWAIIAN BEACHES, HI

UTILITY SHED/CARPORT
AREA TABULATION:
AREA BELOW ROOF: 858sf



6 FLOOR PLAN - UTILITY SHED/CARPORT
 $\frac{1}{8}'' = 1'-0''$

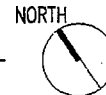


Exhibit 8

page 4 of 6

Utility Shed/Carport – Floor Plan

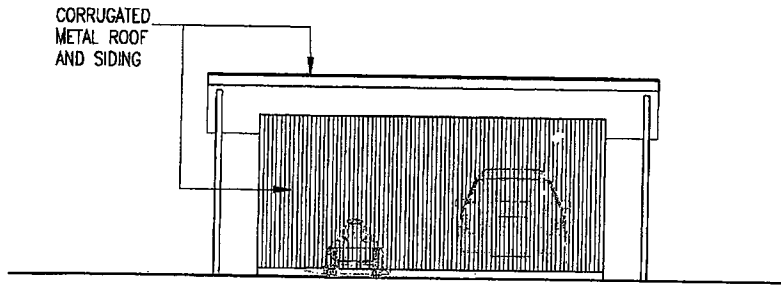
Conservation District

Grossbard-Bourzat Single-Family Residence

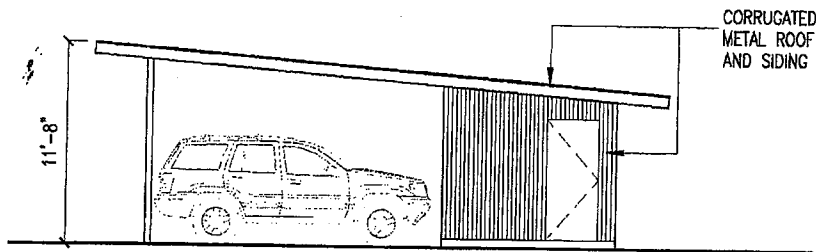
Use Permit Application

GROSSBARD-BOURZAT SINGLE FAMILY RESIDENCE - CONSERVATION DISTRICT
USE PERMIT APPLICATION

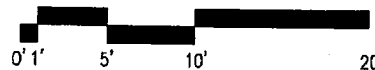
GROSSBARD-BOURZAT RESIDENCE
SITE ADDRESS: TMK(3) 1-5-009, PARCEL B-2
KEONEPOKO-IKI, HAWAIIAN BEACHES, HI



7 UTILITY SHED/CARPORT ELEVATION - SOUTH
 $\frac{1}{8}'' = 1' - 0''$



8 UTILITY SHED/CARPORT ELEVATION - EAST
 $\frac{1}{8}'' = 1' - 0''$



SCALE

Exhibit 8

page 5 of 6

Utility Shed/Carport Elevations
Grossbard-Bourzat Single-Family Residence

Conservation District
Use Permit Application

**GROSSBARD-BOURZAT SINGLE FAMILY RESIDENCE - CONSERVATION DISTRICT
USE PERMIT APPLICATION**

GROSSBARD-BOURZAT RESIDENCE
SITE ADDRESS: TMK(3) 1-5-009, PARCEL B-2
KEONEPOKO-IKI, HAWAIIAN BEACHES, HI

PLANT LIST:

TREES:

PALM - TO BE REMOVED 4

HALA (*Pandanus tectorius*)
TO BE REMOVED 42
PROPOSED 42

PROPOSED BANANA
(*Musa sp.*) 5

PROPOSED MANGO
(*Mangifera indica*) 2

PROPOSED CITRUS
(*Citrus Spp.*) 4

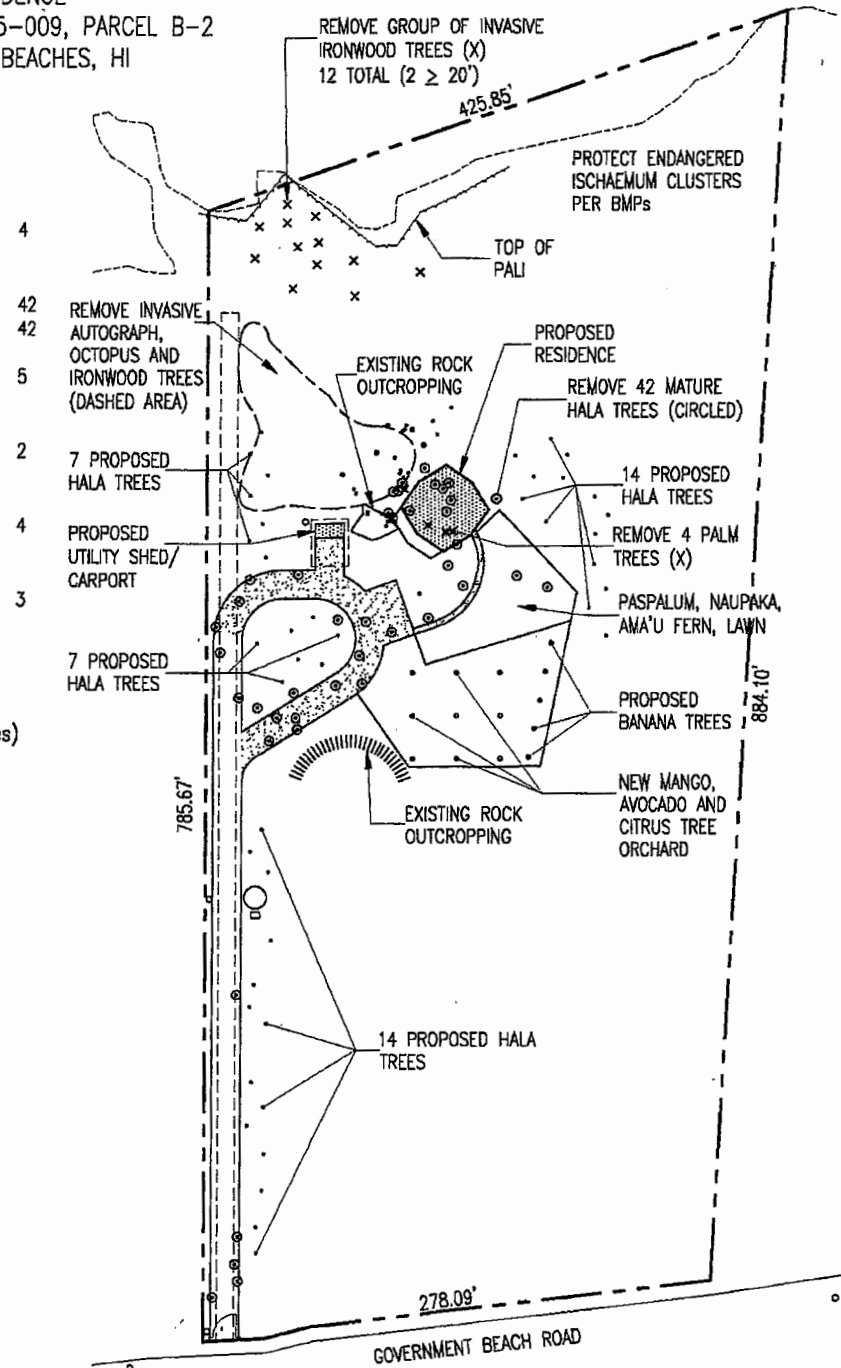
PROPOSED AVOCADO
(*Persea americana*) 3

SHRUBS:

NAUPAKA (*Scaevola taccada*)
AMA'U FERN (*Sadleria cyatheoides*) 7 PROPOSED HALA TREES

GRASSES:

PASPALUM (*Paspalum Sp*)



2 LANDSCAPE PLAN
1" = 100'-0"

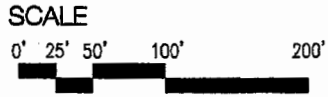


Exhibit 8

page 6 of 6

Landscape Plan

Grossbard-Bourzat Single-Family Residence

Conservation District

Use Permit Application

Bourzat-Grossbard Property
Large Invasive Species Removal
SITE PLAN FIGURE 3



• Exhibit 9

TABLE 1. List of Invasive Trees for Removal

No.	SPECIES	GPS LOCATION*		SIZE DBH (Diam. at Breast Height)
		UTM Easting	UTM Northing	
T1	Melochia (<i>Melochia umbellate</i>)	300583	2164504	14 inches
T2	Cecropia (<i>Cecropia obtusifolia</i>)	300610	2164503	7 inches
T3	Albizia (<i>Falcataria moluccana</i>)	300615	2164557	11 inches
T4	Cecropia (<i>Cecropia obtusifolia</i>)	300628	2164574	5 inches
T5	Clusia (<i>Clusia rosea</i>)	300648	2164605	12 inches
T6	Clusia (<i>Clusia rosea</i>)	300653	2164617	7 inches
T7	Clusia (<i>Clusia rosea</i>)	300656	2164624	9 inches
T8	Albizia (<i>Falcataria moluccana</i>)	300713	2164597	32 inches
T9	Albizia (<i>Falcataria moluccana</i>)	300698	2164594	21 inches
T10	Albizia (<i>Falcataria moluccana</i>)	300711	2164582	23 inches
T11	Albizia (<i>Falcataria moluccana</i>)	300682	2164557	38 inches
T12	Albizia (<i>Falcataria moluccana</i>)	300690	2164536	31 inches
T13	Albizia (<i>Paraserianthes falcataria</i>)	300705	2164532	17 inches
T14	Albizia (Group of 3 Trees; A-C)	300638	2164485	18", 14", and 30"
	<i>(T14 Trees A-C within a 10 meter radius)</i>			

* Due to heavy canopy, location may be +/- 25m. Trees marked with ribbons and numbered for in-field identification.



Exhibit 9

Page 2 of 2