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April 1, 2019

Mr. Derek B. Simon
Associate
Carlsmith Ball, LLP
1001 Bishop Street, Suite 2100
Honolulu, Hawaii 96813-3484

Dear Mr. Simon:

Subject: Early Consultation for Preparation of a Draft Environmental Assessment –
Reclassification of Approximately 0.51 Acres of Land, Hawaiian Paradise
Park, Puna District, County and State of Hawaii
TMK: (3) 1-5-059: 059

Thank you for the opportunity to provide comments on the early consultation request for the preparation of a Draft Environmental Assessment (Draft EA) on the Barry Family Trust land reclassification.

The Barry Family Trust property is located within the State Land Use Conservation District. The Barry Family Trust (Petitioner) is petitioning the State Land Use Commission (LUC), Docket Number A18-806, to reclassify the land from the State Conservation District to the State Agricultural District to construct a single-story dwelling and related agricultural uses.

The property is a 0.51-acre (22,215.6 sq. ft.), vacant and undeveloped parcel within the Hawaiian Paradise Park subdivision in Puna. The lot is bounded by Paradise Ala Kai Drive to the west, the Pacific Ocean to the east, an existing dwelling to the north, and a vacant, undeveloped lot to the south. All the surrounding parcels are within the State Agricultural District. The Petitioner notes that almost all the other oceanfront lots within Hawaiian Paradise Park were reclassified from the Conservation District to the Agricultural District under a single petition, LUC Docket Number A76-419. The Barry Family Trust parcel was originally included in this petition, but was removed from the final Decision and Order after attempts to contact the then-owner of the property failed.

The proposed dwelling unit will consist of a single-story, 1,800-square foot, three-bedroom, two-bath structure for use by the Barry family as their primary personal residence. The project will also include a two-car garage, a lanai, a courtyard, and a small swimming pool.

The Office of Planning (OP) has reviewed the transmitted material and has the following comments to offer:

1. State Land Use District Boundary Amendment

The Draft EA is being prepared to support the Barry Family Trust's Petition for District Boundary Amendment, Docket No. A18-806, from State Conservation District to State Agricultural District. Some of the issues the LUC must consider are:

- **Water Resources** – OP notes the Draft EA will discuss the provision of potable water to the property either from a private well to be drilled on site with treatment and an underground water storage tank, or a rainwater catchment system if necessary.
- **Agricultural Use** – The Draft EA should disclose the potential related agricultural uses.
- **Cultural, Archaeological, and Historic Resources** – OP notes the Draft EA will contain an archaeological survey and a cultural impact analysis (CIA). The CIA must make specific findings and conclusions as specified in the Hawaii Supreme Court's holding in *Ka Pa'akai O Ka'Aina v. Land Use Commission, State of Hawai'i*.
- **Energy Use** – OP notes that the Draft EA will discuss the availability of electrical service to the area and the Petitioner's intent to install a photovoltaic solar system for their personal use.
- **Conservation District** – Since the Petitioner seeks a reclassification from the State Conservation to Agricultural District, the Draft EA should discuss the existing inventory of conservation resources (habitat, watershed area, etc.) and how the loss of these resources will impact the public.

2. Hawaii State Planning Act

Hawaii Administrative Rules (HAR) § 11-200-10(4) requires an Environmental Assessment to provide a general description of the action's technical, economic, social, and environmental characteristics. The Draft EA should provide a discussion on the project and its ability to meet State goals and priorities as detailed in HRS Chapter 226.

The analysis on the Hawaii State Planning Act should examine the project's consistency with all three parts of HRS Chapter 226 or clarify where the project conflicts with them. If any of these statutes are not applicable to the project, the analysis should affirmatively state such determination, along with discussion paragraphs.

3. Hawaii Coastal Zone Management Program

The Hawaii Coastal Zone Management (CZM) area is defined as "all lands of the State and the area extending seaward from the shoreline to the limit of the State's police power and management authority, including the U.S. territorial sea" (HRS § 205A-1).

Pursuant to HRS § 205A-4, in implementing the objectives of the CZM program, approving agencies shall consider ecological, cultural, historic, esthetic, recreational, scenic, open space

values, coastal hazards, and economic development. As this project requires agency approvals and permitting, the Draft EA should provide analysis on the project's consistency with the objectives and supporting policies of the Hawaii CZM program, HRS § 205A-2.

4. Special Management Area / Shoreline Setback Requirements

According to the review material, the proposed dwelling unit will be sited toward the ocean. The Draft EA should indicate the project site's proximity to the Special Management Area (SMA) of Hawaii Island (as delineated by the County of Hawaii), and the distance of the proposed structures to the shoreline as defined in HRS § 205A-2.

Furthermore, because the makai perimeter of the project parcel consists of a lava shelf shoreline, the dwelling unit development may be subject to shoreline setback requirements of Hawaii County. We recommend that the Barry Family or their representatives, consult with the Hawaii County Planning Department on SMA permitting and a shoreline setback determination.

5. Sea Level Rise

Based on the enclosed map, because the dwelling unit structure is located near a shoreline lava shelf, it may be susceptible to coastal weather threats such as storm surge, violent wave action, tsunami inundation, or coastal flooding. Sea level rise (SLR) resulting from climate change may increase the risk of this residential site to these hazards.

To assist you in the development of climate change adaptation and resiliency strategies to safeguard this residence, OP suggests you review the findings of the Hawaii Sea Level Vulnerability and Adaptation Report, 2017 (Report), by the Hawaii Climate Change Mitigation and Adaptation Commission. The Report, and the Hawaii SLR Viewer (Viewer), can be accessed via the Hawaii Climate Adaptation Portal at <http://climateadaptation.hawaii.gov>. For SLR forecasts and flood projections, the Viewer identifies a 3.2-foot SLR exposure area across the main Hawaiian Islands. The Viewer may assist you in preparing and planning for these natural threats.

6. Drainage / Stormwater Runoff Mitigation / Erosion Control

Pursuant to HAR § 11-200-10(6) – identification and summary of impacts and alternatives considered; to ensure that the water and marine resources of the Puna District of Hawaii Island remain protected, the effects of stormwater inundation, resulting from this development, should be evaluated in the Draft EA.

Issues that may be examined include, but are not limited to, project site characteristics in relation to flood and erosion prone areas, open spaces, the potential vulnerability of surface water resources, drainage infrastructure currently in place, and comparing the level of impervious versus permeable in the project area. These items should be considered when developing mitigation measures for the protection of nearby water resources and the coastal

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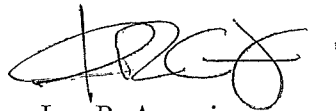
ecosystem, pursuant to HAR § 11-200-10(7).

OP notes that the Barry Family Trust proposes a landscaping plan for the project. OP recommends that the Barry Family Trust consider enhanced landscaping (rain gardens, bioswales, and natural detention basins) to control stormwater runoff. Enhanced landscaping features are consistent with low impact development (LID). OP has developed guidance documents on stormwater runoff strategies. OP recommends consulting these evaluative tools when developing mitigation approaches for polluted runoff. They offer useful techniques to keep land-based pollutants and sediment in place, while considering the management practices best suited for the area and the types of contaminants affecting the surrounding environment. The evaluative tools that should be considered during the design process include:

- **Stormwater Impact Assessments** can be used to identify and analyze information on hydrology, sensitivity of coastal and riparian resources, and management measures to control runoff, as well as consider secondary and cumulative impacts to the area. http://files.hawaii.gov/dbedt/op/czm/initiative/stomwater_impact/final_stormwater_impact_assessments_guidance.pdf; and
- **Low Impact Development (LID), A Practitioners Guide** covers a range of structural systems and best management practices that mimic or utilize the natural processes of infiltration and evapotranspiration of polluted runoff. LID features promote onsite storm water management, urban layouts that minimize environmental impacts, and can lead to improved water quality. http://files.hawaii.gov/dbedt/op/czm/initiative/lid/lid_guide_2006.pdf

If you have any questions regarding this comment letter, please contact Aaron Setogawa of our Land Use Division at (808) 587-2883, or Joshua Hekekoa of our CZM Program at (808) 587-2845.

Sincerely,



Leo R. Asuncion
Planning Program Administrator II

c. Land Use Commission