

STATE OF HAWAI'I
DEPARTMENT OF LAND AND NATURAL RESOURCES
Office of Conservation and Coastal Lands
Honolulu, Hawai'i

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

FILE NO.: Violation OA-14-02
REF: OCCL: LY

June 26, 2015

REGARDING: Time Extension Request to Extend the Deadline for an Additional Seven (7) Months for Poka Place to Apply for an After-the-Fact Conservation District Use Permit for the Earth Retention Walls and Landscaping Improvements

LANDOWNER: State of Hawai'i

LOCATION: Diamond Head State Monument

TAX MAP KEY: (1) 3-1-042:017 (por.)

PARCEL SIZE: 6.465 acres

SUBZONE: Resource

BACKGROUND:

On September 12, 2014, the Board of Land and Natural Resources (Board) found Poka Place, LLC in violation of unauthorized landscaping, drainage improvements, and earth retention structures on the adjacent Diamond Head State Monument property which is located in the State Land Use Conservation Resource District. In order to resolve the violation, Poka Place needed to apply for an after-the-fact Conservation District Use Permit (CDUP) within one hundred twenty (120) days of the Board's action.

TIME EXTENSION REQUEST

While the 120 day time period has passed (February 17, 2015), Poka Place, through their Consultant, Ho'okuleana, LLC, has been working with State Parks and the Office of Conservation and Coastal Lands (OCCL) to submit an acceptable Draft Environmental Assessment and CDUP application. Ho'okuleana submitted a pre-submission CDUA draft on

December 4, 2014(via e-mail) to State Parks (SP) and OCCL for internal review. It was subsequently decided that an Environmental Assessment (EA) would be required by the Department. On March 18, 2015 a second pre-submission draft of the CDUA as well as the companion EA were sent via e-mail to both SP and OCCL for review. OCCL had substantial comments and indicated that a landscaping plan would be necessary prior to the EA and application being accepted for processing. Due to delays in the engineering and architectural plans needed in support of the application, Goodsill Anderson Quinn & Stifel, LLP has requested a time extension of an additional ninety (90) days on behalf of their client, Poka Place, LLC.

DISCUSSION

As Poka Place, LLC's consultant has been in continuous communication with both SP and OCCL, approval of this time extension request should provide the additional time needed to respond to comments from the Department on their pre-submission EA and CDUA drafts as well as to complete their landscaping survey and plan.

AS SUCH STAFF RECOMMENDS AS FOLLOWS:

That the Board **APPROVE** a time extension of an additional seven (7) months from the initial 120 days granted for Poka Place, LLC to apply for an after-the-fact CDUP for the Earth Retention Walls and Landscaping Improvements located on the Diamond Head State Monument in Honolulu, O'ahu, Hawai'i and is further identified as Tax Map Key (TMK) (1) 3-1-042:017 (por.), subject to the following conditions:

1. That Poka Place, LLC apply for an after-the-fact CDUP for Earth Retention Walls and Landscaping Improvements by no later than
2. That all other conditions imposed by the Board to resolve Violation OA 14-02 shall remain in effect.

Respectfully submitted,



Lauren Yasaka, Staff Planner
Office of Conservation and Coastal Lands

Approved for submittal:



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