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CONSERVATION AND RESOURCES ENFORCEMENT
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LAND
STATE PARKS



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
OFFICE OF CONSERVATION AND COASTAL LANDS

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

CONSERVATION DISTRICT USE APPLICATION INSTRUCTIONS

This is the Department of Land and Natural Resources (DLNR), Office of Conservation and Coastal Lands (OCCL), Conservation District Use Application (CDUA) form. This application is to be used to apply for land use(s) within the State of Hawaii Conservation District. Visit www.hawaii.gov/dlnr/occl for more information about the State Conservation District.

All land uses, pursuant to Title 13 Chapter 5, Hawaii Administrative Rules (HAR), must be an identified land use. Land uses that require a CDUA shall be approved by the Board of Land and Natural Resources or the Chairperson, prior to its initiation. An application is not considered accepted for processing until the Department has found it complete. Once an application is considered "complete" by the Department, a letter of acceptance will be issued and the statutory 180-day time period for review will begin.

Should a "complete" application not be acted upon within the 180-day time limit, the applicant may automatically put said land to the use(s) requested in the application, pursuant to Chapter 183C-6(b), Hawaii Revised Statutes.

Unless provided for by HAR, Chapter 13-5, land uses shall not be undertaken in the State Land Use Conservation District. Please utilize applicable sections of the HAR, Chapter 13-5, to complete this application.

All applications must include the following to be considered "complete" for processing:

- A completed CDUA form with signatures of the landowner(s) and applicant if different from the landowner. Where the landowner is a corporation, trust, association, etc., evidence of authorization for the application shall be included.
- Environmental review information required pursuant to Department of Health (DOH), Chapter 343, Hawaii Revised Statutes.
- Compliance with applicable county Special Management Area (SMA) Rules and Regulations must be satisfied prior to action on the CDUA.
- The appropriate filing fees as specified pursuant to Title 13, Chapter 5, HAR.

NOTE: No application shall be processed by the Department until violations pending against the subject parcel are resolved pursuant to, HAR, Section 13-5-31(e).

Twenty (20) copies of the completed CDUA and all attachments and twenty (20) copies of the environmental assessment as required must be submitted. Applications should be typed and attachments should be reduced or folded to a letter-size exhibit (8½" x 11").

Application(s) and attachment(s) should be mailed or hand delivered to:

Department of Land and Natural Resources
Office of Conservation and Coastal Lands
P.O. Box 621
Honolulu, Hawaii 96809

Office of Conservation and Coastal Lands
Kalanimoku Bldg. Room 131
1151 Punchbowl Street
Honolulu, Hawaii 96813

For information call: 587-0377

You may download this form and the Conservation District Rules and Regulations, HAR, Chapter 13-5, at www.hawaii.gov/dlnr/occl/documents.

REQUIRED ATTACHMENTS

For information presented in the Environmental Assessment (EA), please reproduce and attach relevant information in the CDUA or cite specific section and page references to enable staff to locate it conveniently in the EA. For large projects that require an Environmental Impact Statement (EIS), the CDUA must be supplemented with detailed project and environmental information.

1. County Special Management Area Determination

Applications may be subject to County Special Management Area (SMA) requirements. One of the following must be received from the applicable County thirty (30) days prior to Board action on your CDUA:

- A determination that the proposed land use(s) is outside the Special Management Area (SMA) administered by the County
- A determination that the proposed land use is exempt from the provisions of the County ordinances/regulations specific to Section 205A-29 (b), Hawaii Revised Statutes (HRS)
- A Special Management Area permit for the proposed use. (Note: An SMA permit or clearance **must** be received by the Department forty-five (45) days prior to the 180 day expiration deadline on an application.)

2. Maps

Maps should include a north arrow and graphic scale. Attach regional, vicinity and parcel maps. Utilities, roads and access should be presented on a map if available and applicable. If applicable, flora and fauna, and historic sites should also be presented on a map. Submit detailed contour maps for ocean areas and areas where slopes are 20% or more. Include a bathymetric map or depth chart if project involves a water body. Provide a Certified Shoreline Map for shoreline parcels. If the area of proposed use is within fifty feet of the boundary of the Conservation District, please include a map showing the interpretation of the boundary by the State Land Use Commission.

3. Photographs

Current color photographs of the area should be submitted with each EA/CDUA. Electronic storage of information such as computer floppies and Cd Roms should be provided to the OCCL to help expedite the processing of applications.

4. Plans

All applications and EAs shall contain associated plans such as a location map, site plan, floor plan, elevations, and landscaping plans drawn to scale. Additionally, all plans should include a north arrow and graphic scale.

Location/Area Plan. An area plan should include but not be limited to: the relationship of proposed uses to existing and future uses in abutting parcels; identification of major existing facilities; identification of major physical features; and names and addresses of adjacent property owners.

Site Plan. Site plans are maps that should include, but are not limited to: dimensions and shape of lot; metes and bounds (including easements and their use); tax map key; and existing features (including vegetation, water area, roads, utilities, and existing structures).

Preliminary Construction Plan. Construction plans should include, but not be limited to scaled maps illustrating: existing and proposed changes in contours; all buildings and structures with indicated use and critical dimensions (including floor plans) in square footage; open space and recreation area(s); landscaping (including buffers and fences); roadways (including widths); off street parking area; existing and proposed drainage; proposed utilities and other improvements; revegetation plans; drainage plans including erosion sedimentation controls; and grading, trenching, filling, dredging and/or soil disposal. Structural blueprints or cross section shall accompany erosion control structures.

Maintenance Plans. For all uses involving power transmission, fuel lines, drainage systems, unmanned communication facilities, roadways and other utilities and improvements not maintained by a public agency, plans for maintenance shall be included.

Management Plans. As required, refer to HAR, Section 13-5-39 and Exhibit 3, Chapter 13-5, entitled "Management Plan Requirements."

Historical or Archaeological Site Plan. Where there exist historic or archaeological sites on the property, a plan must be submitted including a survey of the site(s); significant features; protection, salvage, or restoration plans.

5. Environmental Requirements

Pursuant to the Department of Health (DOH), Chapter 343, Hawaii Revised Statutes (HRS), and in accordance with Title 11, Chapter 200, Environmental Impact Statement Rules for applicant actions, a Draft Environmental Assessment of the proposed use must be attached. The Final Environmental Assessment (FEA) must be published forty-five (45) days prior to the 180-day expiration deadline. A FEA or EIS provided at the time of submission of the CDUA will satisfy this requirement. Failure to meet this deadline may result in negative action on the applicant by the BLNR.

If the proposed actions are within the scope of exemptions as defined in the DOH, HAR, Title 11, Chapter 200, the applicant should provide written justification for the exemption to forego this process. Refer to HAR, Section 11-200-8. For more information, contact the Office of Environmental Quality Control at (808) 586-4185 or visit www.hawaii.gov/health/oeqc.

6. Conservation District Use Application (CDUA) fees

All fees shall be in the form of cash, certified or cashier's check, and payable to the State of Hawaii. Refer to HAR, Chapter 13-5, Section 13-5-17, 13-5-32 to Section 13-5-39 to determine fees and permit type.

Board Permit

\$100.00 application fee, plus an additional \$100.00 per potential developed acre, or major fraction thereof, up to a maximum of \$2,000.00.

Departmental Permit

\$50.00 application fee

Site Plan Approval

\$50.00 fee

Emergency Permit

Waived

Subzone Boundary Determination

\$50.00 fee

Temporary Variance

\$100.00 application fee

A fee of \$250.00 will be required for a public hearing pursuant to HAR, Chapter 13-5, Sections 13-5-33, 13-5-34 and 13-5-36.

A Public Hearing(s) shall be held for all applications involving the following:

- Land use(s) for commercial purposes;
- Change of subzone(s) or boundaries;
- Land use(s) in the Protective "P" subzone; and
- Land uses(s) as determined by the Chairperson where the scope of the proposed use, or the public interest require one.

Conservation District Use Application (CDUA)



For DLNR Use	
File #	_____
Reviewed by	_____
Date	_____
Accepted by	_____
Date	_____
180-Day Exp.	_____
EA/EIS Required	_____
PH Required	_____
Decision	_____
Date	_____

Project Location/Address _____

District: _____ Island/County: _____

Subzone: _____ Tax Map Key(s) _____

Total Area of Parcel in sq. ft or acres _____ Area of Proposed Use in sq. ft. or acres _____

Commencement Date: _____ Completion Date: _____

Indicate which of the following approvals are being sought, as specified in the Hawaii Administrative Rules (HAR), Chapter 13-5.

- Board Permit**
- Departmental Permit**
- Emergency Permit**
- Temporary Permit**
- Site Plan Approval**

APPLICANT

Legal Name: _____
Street Address: _____
City, State and Zip+4 Code: _____
Mailing Address: _____
City, State and Zip+4 Code: _____
Contact Person & Title: _____
Phone No.:(_____) _____ Fax No.:(_____) _____
Email: _____
Interest in Property: _____

***Signature** _____ **Date** _____
*If for a Corporation, Partnership, Agency or Organization, must be signed by an authorized officer.

AGENT

Name: _____
Mailing Address: _____
City, State and Zip+4 Code: _____
Contact Person & Position: _____
Phone No.:(_____) _____ Fax No.:(_____) _____
Email: _____

Signature _____ **Date** _____

PROPERTY OWNER(S) *(If other than the applicant)*

Legal Name: _____
Street Address: _____
City, State and Zip+4 Code: _____
Mailing Address: _____
City, State and Zip+4 Code: _____
Contact Person & Title: _____
Phone No.:(_____) _____ Fax No.:(_____) _____
Email: _____
Relationship to applicant: _____

Signature _____ **Date** _____

CONTRACTOR

Name: _____ Contractor I.D. # _____
Scope of Work: _____
Mailing Address: _____
Contact Person & Position Title: _____
Phone No.:(_____) _____ Fax No.:(_____) _____
Email: _____

Emergency Contact Information

Company/OrganizationName: _____
Contact Person and Title _____
Phone No.:(_____) _____ Phone No.:(_____) _____

Is the proposed use consistent with the objectives of the subzone of the land in which the use will occur?

Does the proposed land use comply with provisions and guidelines contained in Chapter 205A, Hawaii Revised Statutes (HRS), entitled "Coastal Zone Management," where applicable?

Describe how the proposed land use will not cause substantial adverse impact to existing natural resources within the surrounding area, community or region.

Describe how the proposed land use, including buildings, structures and facilities, will be compatible with the locality and surrounding areas, and to the physical conditions and capabilities of the specific parcel or parcels.

Describe how the existing physical and environmental aspects of the land, such as natural beauty and open space characteristics, will be preserved or improved upon.

If applicable, describe how subdivision of land will not be utilized to increase the intensity of land uses in the Conservation District.

Describe how the proposed land use will not be materially detrimental to the public health, safety and welfare.

ADDITIONAL INFORMATION

Articles IX and XII of the State Constitution, other state laws, and the courts of the State require government agencies to promote and preserve cultural beliefs, practices, and resources of native Hawaiians and other ethnic groups. The Department of Health (DOH), Chapter 343, also requires an Environmental Assessment (EA) of cultural resources in determining the significance of a proposed project.

If applicable, please provide the identity and scope of "valued cultural, historical and natural resources" in which traditional and customary native Hawaiian rights are exercised in the area.

Identify the extent to which those resources, including traditional and customary native Hawaiian rights, will be affected or impaired by the proposed action.

What feasible action, if any, could be taken by the Board of Land and Natural Resources in regards to your application to reasonably protect native Hawaiian rights?

Does the proposed land use have an effect (positive/negative) on public access to and along the shoreline or along any public trail?

Does the proposed use have an effect (positive/negative) on beach processes?

Will the proposed use cause increased runoff or sedimentation?

Will the proposed use cause any visual impact on any individual or community?

Existing Site Information

Are there existing structures on the parcel? Yes No
If yes, please describe below and include/illustrate on a map entitled *existing structures*.

Will any existing structures be demolished or removed? Yes No
If yes, describe how below. Please indicate/illustrate demolished structure on a map entitled *structures to be demolished/removed*.

Has the parcel been graded or landscaped? Yes No
If yes, describe below. Please describe cubic yards affected and/or area of landscaping on a map entitled *areas previously graded or landscaped*.

Describe existing utilities. Include electricity, water, telephone, drainage, and sewerage.
Please illustrate on a map entitled *existing utilities*.

Describe existing access. Illustrate and include roadways and public trails on a map entitled *existing access*. Give major street names if available.

Describe Flora and Fauna. Illustrate general location and types of flora and fauna on a map entitled *resources*. Indicate if rare or endangered native plants and/or animals are present.

Describe topography and submit a map entitled *topography*. If ocean area, give depths. Submit detailed contour maps for ocean area and areas where slopes are 20% or more. Contour maps will also be required for uses involving tall structures, gravity flow and other special cases.

If shoreline area, describe shoreline and surrounding area. Indicate and illustrate if shoreline is sandy, muddy, rocky, cliffs, reefs, or other features (such as access to shoreline) on a map entitled *coastal resources*. A current shoreline certification is required for uses that may affect shoreline resources.

If shoreline area, describe and illustrate any coastal hazards such as erosion, flooding, tsunami, etc. Attach any relevant maps delineating the hazard zone (FEMA, FIRM maps).

Describe existing covenants, easements, and restrictions. If State owned land, indicate present encumbrances.

Identify any historic, archeological or cultural sites within or near the parcel. Please submit or include any current management plan. If applicable, indicate location(s) on a map entitled *historical, archaeological, and cultural resources* and describe below.

Adjacent Property Owners

Please list all adjacent property owners. If no address is available indicate north, south, east and west or mauka, makai or other common county directionals.

TMK: _____
Legal Name: _____
Street Address: _____
City, State and Zip code: _____
Mailing Address: _____
City, State and Zip: _____ Phone No.: _____
Location to TMK: _____

TMK: _____
Legal Name: _____
Street Address: _____
City, State and Zip code: _____
Mailing Address: _____
City, State and Zip: _____ Phone No.: _____
Location to TMK: _____

TMK: _____
Legal Name: _____
Street Address: _____
City, State and Zip code: _____
Mailing Address: _____
City, State and Zip: _____ Phone No.: _____
Location to TMK: _____

TMK: _____
Legal Name: _____
Street Address: _____
City, State and Zip code: _____
Mailing Address: _____
City, State and Zip: _____ Phone No.: _____
Location to TMK: _____

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ THIS COMPLETED APPLICATION AND THAT, TO THE BEST OF MY KNOWLEDGE, THE INFORMATION IN THIS APPLICATION AND ALL ATTACHMENTS AND EXHIBITS IS COMPLETE AND CORRECT. I UNDERSTAND THAT THE FAILURE TO PROVIDE ANY REQUESTED INFORMATION OR MISSTATEMENTS SUBMITTED IN SUPPORT OF THE APPLICATION SHALL BE GROUNDS FOR EITHER REFUSING TO ACCEPT THIS APPLICATION, FOR DENYING THE PERMIT, FOR SUSPENDING OR REVOKING A PERMIT ISSUED ON THE BASIS OF SUCH MISREPRESENTATIONS, OR FOR SEEKING OF SUCH FURTHER RELIEF AS MAY SEEM PROPER TO THE LAND BOARD.

I HEREBY AUTHORIZE REPRESENTATIVES OF THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO CONDUCT SITE INSPECTIONS ON MY OR MY CLIENT'S PROPERTY. UNLESS ARRANGED OTHERWISE, THESE SITE INSPECTIONS SHALL TAKE PLACE BETWEEN THE HOURS OF 8:00 A.M. AND 4:30 P.M.

*Signature of Authorized Agent(s) or if no agent, signature of **Applicant***

AUTHORIZATION OF AGENT

I HEREBY AUTHORIZE _____ TO ACT AS MY REPRESENTATIVE AND TO BIND ME IN ALL MATTERS CONCERNING THIS APPLICATION.

Signature of Applicant(s)