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REF. NO.: CPO3791
FILE NO.: HA-6/1/81-1379
180-Day Exp. Date: 11/28/81

Hawaiian Telephone Company
1177 Bishop Street
P. O. Box 2200
Honolulu, Hawaii 96841

Gentlemen:

We are pleased to inform you that your Conservation District Use Application for Microwave Tower Improvement Use at Kulani, Kau, Hawaii was approved on November 6, 1981. Subject to the following conditions:

1. That the applicant comply with all applicable statutes, ordinances, rules and regulation of the Federal, State, and County governments, and applicable parts of Sections 6A and 6D of Title 13, Chapter 2 (Departmental Regulation No. 4, as amended);
2. The applicant, 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. Other terms and conditions as prescribed by the Chairman;
4. In the event any unanticipated sites or remains, such as shell, bone or charcoal deposits, human burials, rock or coral alignments, pavings, or walls are encountered during construction, please stop work and contact the Historic Preservation Office at 548-7460 or 548-6408;
5. That the applicant comply with all applicable Public Health Regulations; and

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6. That a fire contingency plan, acceptable to the Division of Forestry and Wildlife shall be implemented during and after the construction; and
7. That upon completion of the work the applicant restore the area to satisfaction of the Department of Land and Natural Resources.

Should you have any questions on any of these conditions, please feel free to contact Mr. Roger C. Evans of our Planning Office at 548-7837.

Very truly yours,

SUSUMU ONO

SUSUMU ONO, Chairman
Board of Land and Natural Resources

cc: Hawaii Board Member ✓
Hawaii Land Agent ✓
Hawaii County Planning Department ✓

bcc: Land Mangement ✓
DOWALD ✓
Fish & Game ✓
Historic Sites ✓
Forestry ✓
State Parks ✓
OEQC ✓
DOH ✓
DPED ✓

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GEORGE R. ARIYOSHI
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

P. O. BOX 621
HONOLULU, HAWAII 96809

DIVISIONS:
CONVEYANCES
FISH AND GAME
FORESTRY
LAND MANAGEMENT
STATE PARKS
WATER AND LAND DEVELOPMENT

File No.: HA-6/1/81-1379
180-Day Exp. Date: 11/28/81

November 6, 1981

Board of Land and
Natural Resources
State of Hawaii
Honolulu, Hawaii

Gentlemen:

Conservation District Use Application for
Microwave Tower Improvement Use
at Kulani, Kau, Hawaii

APPLICANT: Hawaiian Telephone Company
1177 Bishop Street
P. O. Box 2200
Honolulu, Hawaii 96841

LANDOWNERSHIP: Privately owned land, Bernice P. Bishop
Estate.

LOCATION: Kulani, Kau, Hawaii, TMK 9-9-01: 24.

AREA OF PARCEL/
Use: 8,894 sq. ft./750 sq. ft.

SUBZONE: Protective (P).

DESCRIPTION OF AREA:

The existing Kulani Cone Tower transmission facility is located on the slopes of the Kulani Cone near the 5,400-foot elevation. The facility is reached by an unimproved access road extending two miles south of Kulani Prison. The land was leased by Bishop Estate to Hawaiian Telephone Company in 1963 for fifty-five years, together with a "Right of Way" 30 feet wide used for road and utility purposes.

CURRENT USE:

The existing facility includes a 208 sq. ft. equipment building and a 175-foot high steel tower on 0.204 acres. The tower supports two antennas and a reflector.

PROPOSED USE:

The objective of the proposed project is to improve the present telephone communication service on the island of Hawaii between Hilo and Kulani, Naalehu, Pahala, and Volcano. The applicant

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will replace 17-year old analog equipment with new digital equipment which will improve transmission quality and increase circuit capacity from 240 to 1,344 channels. Existing antennas will be replaced with new high power antennas. The existing 175-foot tower will require structural reinforcement, since new and existing antennas will be simultaneously mounted for approximately two months. This is done to avoid interrupting communication services.

Reinforcing the tower by bolting additional steel onto the existing structural steel will also enable it to withstand winds up to 125 miles per hour. At present it is substandard and only able to withstand winds up to 80 miles per hour. The reinforcing work will consist of installing additional diagonal and horizontal bracing and adding a new concrete footing over the existing foundations.

SUMMARY OF COMMENTS:

The application was referred to the following agencies for review and comment: The United States Department of Agriculture, Soil Conservation Service, County of Hawaii Planning Department, State of Hawaii Department of Defense, Department of Health, Environmental Quality Commission, Office of Environmental Quality Control and the following divisions of the Department of Land and Natural Resources: Aquatic Resources, Forestry and Wildlife, State Parks and Historic Sites section, Land Management, Water and Land Development, Natural Area Reserves System Commission and the Division of Conservation and Resources Enforcement.

The U.S. Soil Conservation Service has no comments to make on the subject application.

The County of Hawaii Planning Department notes that:

The subject property is not located within the Special Management Area and is therefore not subject to the requirements of Chapter 205A, HRS or Rule 9 of the Planning Commission of the County of Hawaii relating to the Special Management Area. The County Planning Department also states that they have no objections to the proposed improvements.

The State Department of Health has reviewed the request and comments that:

They do not see any major adverse environmental effects arising from this project and have no objections to granting the permit.

The Department of Land and Natural Resources, State Parks Division, Historic Sites section, provides the following review, comment and request:

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A review of our records indicates that this project does not occur on historic properties that are listed on the Hawaii Register and/or the National Register of Historic Places, or that have been determined eligible for inclusion on the National Register of Historic Places. However, this does not confirm the absence of historical, cultural, architectural and/or archaeological resources on the property.

Since the proposed project will involve the replacement of the old analog equipment with a new digital microwave system and the structural reinforcement of the 175-foot high steel tower, there would be no adverse effects to the resources. Therefore, no mitigating measures would be necessary on the applicant's part.

In the event that any unanticipated sites or remains, such as artifacts, shell, bone or charcoal deposits; human burials; rock or coral alignments, pavings, or walls are encountered, please inform the applicant to stop work and contact this office (548-7460) immediately.

The United States Department of Agriculture, Soil Conservation Service, and the divisions of Aquatic Resources, Forestry and Wildlife, State Parks, Land Management, Water and Land Development, and the Natural Area Reserves System Commission have no objections to the proposed microwave tower improvements.

SUMMARY OF PUBLIC HEARING:

A public hearing is authorized by the Board of Land and Natural Resources, in that the proposed use is of a commercial nature.

The Board of Land and Natural Resources held a public hearing on this matter on September 24, 1981, at 7:00 p.m. at the Kona Surf Hotel, Kohala Conference Room, Keauhou, Kona, Hawaii.

Concerns were expressed relating to the following items:

The Board requested elaboration of Hawaiian Telephone Company's intentions regarding the maintenance of the access road to the site.

Hawaiian Telephone Company responded by indicating in their letter of September 29, 1981, that they are not planning to regrade the access road at this time; rather, upon completion of improvements at Kulani, they intend only to repair the access road as required to restore it to its original condition.

ANALYSIS:

Following review and acceptance of the application, for processing, the applicant, by letter dated June 29, 1981, was notified that:

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1. The proposed use is a conditional use in the Protective (P) Subzone of the Conservation District according to Departmental Regulation No. 4, as amended;
2. A public hearing pursuant to Chapter 183-41, Hawaii Revised Statutes, as amended, will be required; and
3. A negative declaration in conformance with Section 1:30 of the EIS Regulations has been determined for the proposed use and written clearance from the County of Hawaii regarding SMA requirements has been obtained.

The objective of the Protective (P) Subzone is to protect valuable resources in such designated areas as restricted watersheds; marine, plant, and wildlife sanctuaries, significant historic, archaeological, geological, and volcano-logical features and sites; and other designated unique areas.

Section 6B relating to standards requires all applications be reviewed in such a manner that the objective of the subzone is given primary consideration.

Staff, in reviewing the subject application, review, and public hearing comments, finds that:

The proposed use, improvement of existing communication facilities, and service between Hilo, Kulani, Naalehu, Pahala, and Volcano, by equipment replacement and tower reinforcement, is consistent with the objective of the Protective Subzone, in that there will be no change in the existing land use, and no adverse environmental impacts are anticipated.

The access road to the project site will be repaired as required to restore it to its original condition. No regrading is planned at this time; therefore, no change in land use is indicated with respect to the access road.

No objections to the proposed use were expressed during the review process.

As such, Staff recommends as follows:

RECOMMENDATION:

That this application for Microwave Tower Improvements in the Protective Subzone of the Conservation District at TMK 9-9-01: 24 at Kulani, Ka'u, Hawaii, be approved, subject to the following conditions:

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1. That the applicant comply with all applicable statutes, ordinances, rules and regulation of the Federal, State, and County governments, and applicable parts of Sections 6A and 6D of Title 13, Chapter 2 (Departmental Regulation No. 4, as amended);
2. The applicant, 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. Other terms and conditions as prescribed by the Chairman;
4. In the event any unanticipated sites or remains, such as shell, bone or charcoal deposits, human burials, rock or coral alignments, pavings, or walls are encountered during construction, please stop work and contact the Historic Preservation Office at 548-7460 or 548-6408;
5. That the applicant comply with all applicable Public Health Regulations; and
6. That a fire contingency plan, acceptable to the Division of Forestry and Wildlife shall be implemented during and after the construction of the dwelling.

Respectfully submitted,

Sherrie Samuels

SHERRIE SAMUELS
Staff Planner

APPROVED FOR SUBMITTAL:

S. Ono

SUSUMU ONO, Chairman

Board of Land and Natural Resources