



SUSUMU ONO, CHAIRMAN
BOARD OF LAND & NATURAL RESOURCES

EDGAR A. HAMASU
DEPUTY TO THE CHAIRMAN

DIVISIONS:
AQUACULTURE DEVELOPMENT
PROGRAM
AQUATIC RESOURCES
CONSERVATION AND
RESOURCES ENFORCEMENT
CONVEYANCES
FORESTRY AND WILDLIFE
LAND MANAGEMENT
STATE PARKS
WATER AND LAND DEVELOPMENT

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

P. O. BOX 621
HONOLULU, HAWAII 96809

APR 08 1986

RMT2		SCM	
DK		WES	
YM		FTS	
REC'D APR 9 1986 RMT2			
BT	127	BKM	
OSY		MR	
WD		YJK	

FILE NO.: HA-9/13/85-1839
180-Day Exp. Date: 3/12/86
REF. NO.: CPO-0340-86
DOCUMENT NO.: 0410C

Mr. Bruce Tsuchida
R.M. Towill Corporation
677 Ala Moana Blvd., Suite 1016
Honolulu, Hawaii 96813

Dear:

CONSERVATION DISTRICT USE APPLICATION
for (1) After-the-Fact Road Repair;
(2) Access Road Realignment; and
(3) Building Addition at Kulani Cone, Kulani, Hawaii

We are pleased to inform you that the Board of Land and Natural Resources, at its meeting of February 28, 1986, approved this application for (1) after-the fact road repair; (2) access road realignment; and (3) a building addition at Kulani Cone, Kulani, Hawaii subject to the following conditions:

1. The applicant shall comply with all applicable statutes, ordinances, rules and regulations of the Federal, State City and County governments, and applicable parts of Section 13-2-21, Administrative Rules, 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. Since this approval is for use of conservation lands only, the applicant shall obtain appropriate authorization through the Division of Land Management, State Department of Land and Natural Resources for the occupancy of State lands;

4. If any unanticipated sites or remains of historic or prehistoric interest (such as shell, bone or charcoal deposits, human burials, rock or coral alignments, paving, or walls) are encountered during construction, the applicant shall stop work and contact the Historic Preservation Office at 548-7460 or 548-6408 immediately;
5. The applicant shall comply with all applicable Public Health Regulations;
6. The construction, alteration, moving, demolition and repair of any building or other improvement on lands within the Conservation District shall be subject to the building and grading codes of the respective counties in which the lands are located; provided that prior to the commencement of any construction, alteration, or repair of any building or other improvement, four (4) copies each of the final location map, plans, and specifications shall be submitted to the Chairperson, or his authorized representative, for approval of which three (3) copies will be returned;
7. Any work or construction to be done on the land shall be initiated within one (1) year of the approval of such use, and all work and construction must be completed within three (3) years of the approval of such use. Failure to comply with this condition shall render this application null and void;
8. That any buildings be painted in earth tones to minimize glare and reflection and to blend with the surrounding flora and terrain;
9. The sides of the access road be landscaped to prevent erosion. Vegetation from the new cut must be planted on freshly exposed areas; and,
10. Other terms and conditions as prescribed by the Chairperson.

Please acknowledge receipt of this permit with the above noted conditions in the space provided below. Please sign two copies. Retain one and return the other.

Mr. Bruce Tsuchida

#A-1839

Should you have questions on any of these conditions, please feel free to contact our Office of Conservation and Environmental Affairs staff at 548-7837.

Very truly yours,



SUSUMU ONO, Chairperson
Board of Land and Natural Resources

Receipt acknowledged:



Applicant's Signature

cc: Oahu Board Member
Oahu District Land Agent
C&C, Dept. Land Utilization
DOH/OEQC/EC/DPED/OHA
Hawaiian Telephone Company
Land and Building Department
P.O. Box 2200
Honolulu, Hawaii 96841



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-9/13/85-1839
180-Day Exp. Date: 3/12/86
DOCUMENT NUMBER: 0549B

February 28, 1986

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

Gentlemen:

CONSERVATION DISTRICT USE APPLICATION
for (1) After-the-Fact Road Repair;
(2) Access Road Realignment; and
(3) Building Addition at Kulani Cone, Kulani, Hawaii

APPLICANT: Hawaiian Telephone Company
Land and Building Department
P.O. Box 2200
Honolulu, Hawaii 96841

AGENT: Mr. Bruce Tsuchida
R.M. Towill Corporation
677 Ala Moana Blvd., Suite 1016
Honolulu, Hawaii 96813

LOCATION:

<u>TMK</u>	<u>Ownership</u>	<u>Subzone</u>
9-9-01:7, and 24	Private-B.P.Bishop Estate	Protective
2-4-8:9	State of Hawaii-DSSH (Kulani Honor Camp)	Resource

at Kulani, Hawaii

AREA OF USE: After-the-Fact: Road Repair 1712 lin. ft.;
Road Bank 55 lin. ft.
Proposed: Road Realignment 179 lin. ft.;
Bldg. Addition 161 sq. ft.

DESCRIPTION OF AREA:

Kulani Cone is located at the boundaries of the South Hilo, Ka'u and Puna Districts. The districts of South Hilo, Ka'u and Puna are located on the windward side of the Big Island. South Hilo is the northernmost district; Puna, the easternmost; and Ka'u, the southernmost.

Kulani Cone and nearby Pu'u Lala'au Cone were produced by explosive eruptions of the Kulani shield volcano as activity of the shield came to an end probably not more than a few tens of thousands of

ITEM H-3

years ago (MacDonald and Abbott 1970). The volcanic material has weathered and broken down over the thousands of years and colonization of these volcanic materials has taken place through a series of plant successions. A well-developed koa-ohia forest covers these two cones and the adjoining lands. The forest on Kulani Cone appears to have remained more or less unspoiled and contains very few introduced species. Where the forest has been disturbed, a number of weedy introduced species as well as native species can be found.

PROPOSED USE:

Two actions are being requested by this CDUA:

1. After-the-fact approval for emergency repairs, previously authorized by the Department of Land and Natural Resources (DLNR), made to a 1,712-linear foot section of an access road and to a 55-linear foot section of a road bank on Kulani Cone.
2. Approval for the following proposed improvements to existing facilities on Kulani Cone:
 - a. Realignment of 179 linear feet of the above-mentioned access to provide safer passage for its users.
 - b. Addition of a 23' x 7' battery shed to an existing Hawaiian Telephone Company (HTCo) equipment building for the safe storage of wet cell batteries.

Due to the urgent need to stabilize the access road and road bank before the next rainy season, emergency authorization was granted by the DLNR on May 7, 1985 to begin immediate repairs to these areas. The emergency repairs were recently begun. Drainage swales were reopened and a layer of compacted a'a gravel, 12 inches minimum in thickness, was laid over the road and swales for stabilization and prevention of further erosion. The emergency repair work also included the laying of grouted a'a riprap over the road bank adjacent to the HTCo building for stabilization and erosion control.

The 1,712 feet of road which underwent gravel-overlaying included 1,533 feet of road within the leased right-of-way (TMK 9-9-01:07) and 179 feet of road within State land which is administered by Kulani Honor Camp (TMK 2-4-08:09). TMK 9-9-01:24 is owned by Bishop Estate and leased to Hawaiian Telephone for telecommunication facilities. From the standpoint of safe access, the emergency work performed is sufficient for the road section within the Bishop Estate land. However, for the 179 feet of state-owned road, the embankment on the east side of the road is severely eroded and threatens to collapse onto the existing road.

The access road will be improved by realigning the 179-foot section of curved road within state-owned property. As it exists, the high embankment along the east side of the road is severely eroded and threatens to collapse onto the road with the next earthquake or storm. An embankment collapse would block the only access to the

numerous transmission facilities, and may endanger the lives of those who use the road. By shifting the alignment of the road approximately 10 feet toward the west and correcting the slope of the road cut, the danger of collapse upon users or blockage of the road will be minimized.

Road realignment will be performed by abandoning the existing undesired road section and by using trucks and earth-moving equipment to cut a new road along the west side of the existing road. The new road section will be matched to the existing road at the beginning and end points of construction. Creation of the new road will require cutting into an existing embankment which rises up to 10 feet above the existing road. Approximately 160 cubic yards of the embankment will be cut to form the new road. The excavated material will be removed from the access road area and disposed of off-site by the contractor. All realigning work will involve excavation; there is no embankment work required. The a'a gravel surface course on the abandoned section of road will be removed and placed onto the new road section for stabilization.

In order to resolve the problem of unsafe and crowded working conditions within the HCo equipment building, the second part of the proposed action is to construct a shed adjacent to the existing building for the separate storage of the wet cell batteries and rectifiers. This action will create more clearances around the equipment in the existing building and around the batteries in the new shed.

The addition will also permit flexibility for possible equipment upgrading in the future.

The new battery shed will be constructed as a separate building addition abutting the north wall of the existing building and fitting between the building and the transmission tower. A pylon with its concrete foundation is presently located where the shed will be constructed. This structure will be removed before the shed is built. The approximate dimensions of the shed will be 23' long x 7' wide x 9' high. The shed will have a slab-on-grade foundation, walls and roof of galvanized iron siding and a steel beam frame. The shed will have one door, and a window will be constructed between the two buildings to connect cables from the batteries in the shed to the transmission equipment in the existing building.

SUMMARY OF COMMENTS:

This application was sent to the following agencies for their review and comment: the U.S. Fish and Wildlife Service; the County of Hawaii Planning Department, and Department of Public Works; the State of Hawaii Department of Health, Office of Environmental Quality Control, Environmental Council, Office of Hawaiian Affairs, Department of Planning and Economic Development, Department of Social Services and Housing, and the Department of Land and Natural Resources' Divisions of Aquatic Resources, Forestry and Wildlife, State Parks, Historic Sites, Water and Land Development, Conservation and Resource Enforcement, Land Management and Natural Area Resources System. Their comments are as follows:

Planning Department

We have no objections to the subject activities by Hawaiian Telephone Company at the described sites to improve the necessary telecommunications facilities on the Kulani Cone.

As in the past, we recommend that any buildings be painted in earth tones to minimize glare and reflection and to blend with the surrounding flora and terrain. For the proposed road work, the applicant should obtain a grading permit from the County.

The location of these activities is outside the jurisdiction of the Special Management Area (SMA) of the County and thus, our SMA rules are inapplicable to this CDUA.

Department of Social Services and Housing

Please be advised that the proposed project (Kulani Cone Road and Facility Improvements), as outlined in the attachments has been reviewed and found to be satisfactory. The concurrence of this application is based on the environmental impact assessment submitted with the attachments for the Kulani Cone Road and Facility Improvements project.

State Parks/Historic Sites

Historic Preservation Concerns:

Project plans call for minor changes in access road alignment to repair erosion damage, addition of a small battery shed, and localized clearing near the road. Relatively minimal land disturbance will occur outside already constructed areas.

The applicant notes that there has been no archaeological survey in this area (EA, p. 12). The applicant proposes to have the construction people be aware of historic sites; and if historic sites are found, then they will notify our office and have a survey done by a qualified archaeologist (EA, p. 21).

Because the area to be impacted in this project is very small and appears unlikely to contain historic sites, we believe this step will be acceptable in this case.

Recreation Concerns:

There are no known public park interests involved.

Forestry and Wildlife

The sides of the access road should be landscaped to prevent erosion. Vegetation from the new cut must be planted on freshly exposed areas. Forestry has no objections.

Natural Area Reserves System

The Puu Makaala Natural Area Reserve abuts one side of the project, but no detrimental effect is expected. The proposed

road realignment will move the road away from the reserve boundary and the building addition will be on private land leased to the applicant. We recommend approval especially of the road realignment that will improve access to the Kulani Cone.

The U.S. Fish and Wildlife Service; the State of Hawaii Department of Planning and Economic Development, and Department of Health, and the Department of Land and Natural Resources' Division of Aquatic Resources, Water and Land Development, and Land Management had no objection to the proposed use.

SUMMARY OF PUBLIC HEARING:

A public Hearing pursuant to Chapter 183-41, Hawaii Revised Statutes, was held at 6:00 p.m. on December 19, 1985 at the Kona Surf Hotel, Keauhou, Kona, Hawaii.

While the public was afforded the opportunity to present testimony on this application, no public testimony, either written or oral, was received. The Board, however, raised the following concerns:

1. Is the road open for use by the public?

Staff has contacted the personnel from the Department of Social Services and Housing who have indicated that the road is not open to the general public. Access through the Kulani Correctional Facility is controlled. Only the users of the Kulani Cone Facility and those on official business may secure access to Kulani Cone.

2. Have the other users been contacted about this repair activity?

Yes. They all have been contacted because they must share the cost of the maintenance efforts. Hawaiian Telephone has taken the lead to make the repairs. They represent all of the other users as well.

ANALYSIS:

Following review and acceptance of the application for processing, the applicant, by letter dated October 22, 1985, was notified that:

1. The proposed use is a conditional use in the Protective and Resources subzones of the Conservation District according to Title 13, Chapter 2, Administrative Rules, as amended;
2. A public hearing pursuant to Chapter 183-41, Hawaii Revised Statutes, as amended, will be required in that the proposed use is of a commercial nature; 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 subzone is to protect valuable resources in such designated areas as restricted watersheds; marine, plant or wildlife sanctuaries; significant historic, archaeological, geological, and volcanological features and sites; and other designated unique areas.

The objective of the Resource subzone is to develop, with proper management, areas to ensure sustained use of the natural resources of those areas.

Section 13-2-21(b)(1) relating to standards requires all applications be reviewed in such a manner that the objective of the subzone is given primary consideration.

The activities proposed by the applicant are needed in order to correct the existing deteriorating conditions at the Kulani Cone and along the access road. In fact, the access road had deteriorated to the point where the applicant needed to secure emergency authorization from this department to repair sections of the road. The road improvements will alleviate the hazards of negotiating the steep and severely eroded access road.

After reviewing the comments from the reviewing agencies, staff finds that the proposed use will have little or no impact on the surrounding conservation lands. Furthermore, any impacts resulting from this project will be limited to the time of actual construction.

Therefore, staff recommends as follows:

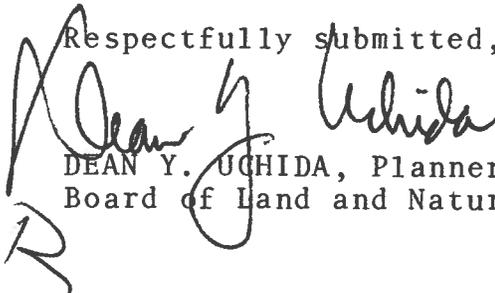
RECOMMENDATION:

That the Board approve this application for (1) after-the fact road repair; (2) access road realignment; and (3) a building addition at Kulani Cone, Kulani, Hawaii subject to the following conditions:

1. The applicant shall comply with all applicable statutes, ordinances, rules and regulations of the Federal, State and City and County governments, and applicable parts of Section 13-2-21, Administrative Rules, 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. Since this approval is for use of conservation lands only, the applicant shall obtain appropriate authorization through the Division of Land Management, State Department of Land and Natural Resources, for the occupancy of state lands;

4. If any unanticipated sites or remains of historic or prehistoric interest (such as shell, bone or charcoal deposits, human burials, rock or coral alignments, paving, or walls) are encountered during construction, the applicant shall stop work and contact the Historic Preservation Office at (808) 548-7460 or (808) 548-6408 immediately;
5. The applicant shall comply with all applicable Public Health Regulations;
6. The construction, alteration, moving, demolition and repair of any building or other improvement on lands within the Conservation District, shall be subject to the building and grading codes of the respective counties in which the lands are located; provided that prior to the commencement of any construction, alteration, or repair of any building, or other improvement, four (4) copies each of the final location map, plans, and specifications shall be submitted to the Chairperson, or his authorized representative, for approval of which three (3) copies will be returned;
7. Any work or construction to be done on the land shall be initiated within one (1) year of the approval of such use, and all work and construction must be completed within three (3) years of the approval of such use. Failure to comply with this condition shall render this application null and void;
8. That any buildings be painted in earth tones to minimize glare and reflection and to blend with the surrounding flora and terrain;
9. The sides of the access road be landscaped to prevent erosion. Vegetation from the new cut must be planted on freshly exposed areas; and,
10. Other terms and conditions as prescribed by the Chairperson.

Respectfully submitted,



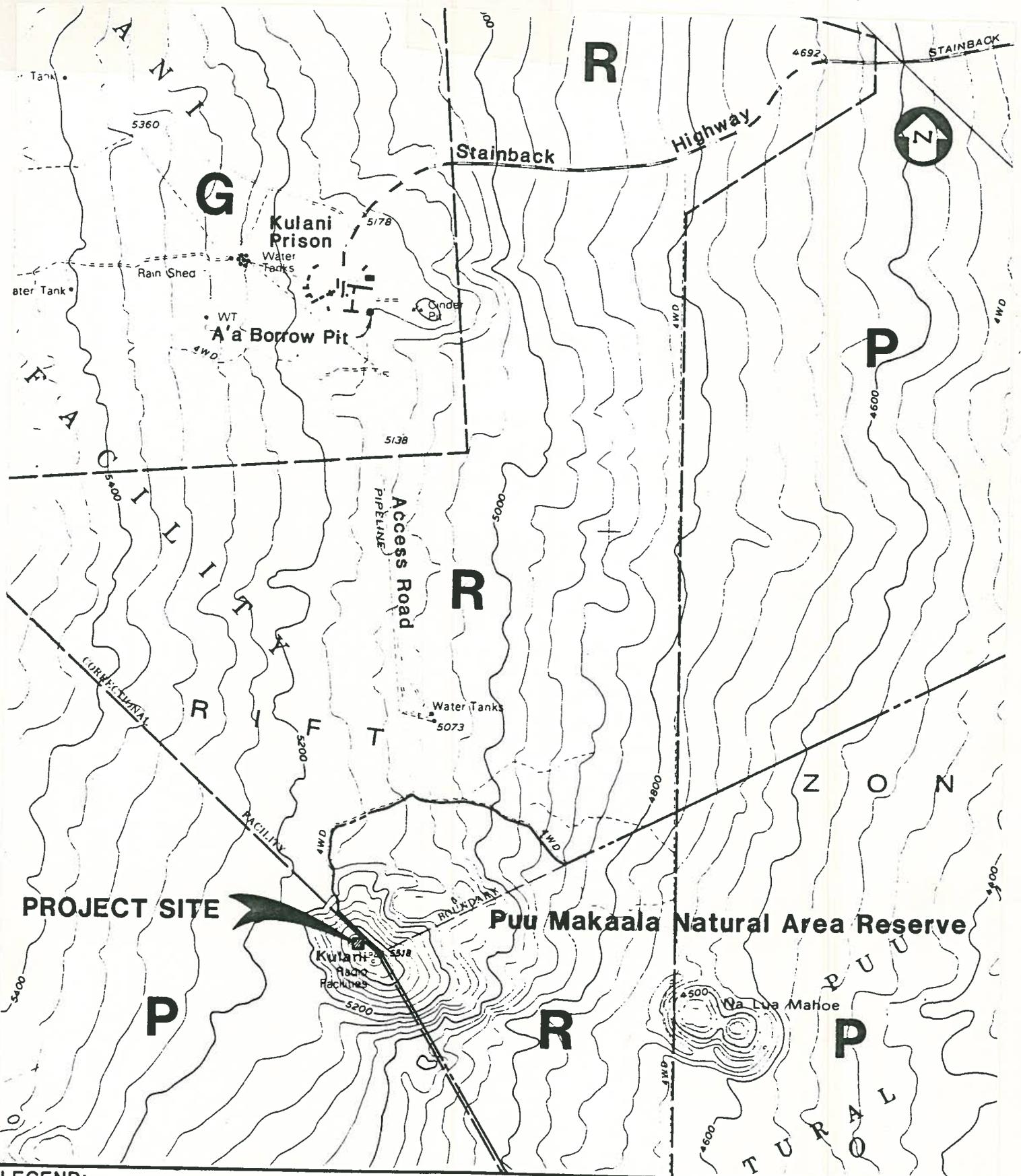
DEAN Y. UCHIDA, Planner
Board of Land and Natural Resources

Attachments

APPROVED FOR SUBMITTAL:



SUSUMU ONO, Chairperson
Board of Land and Natural Resources



LEGEND:

- Subzone Boundary
- Natural Area Reserve Boundary

CONSERVATION DISTRICT:

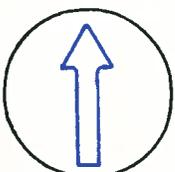
- R - Resource Subzone
- P - Protective Subzone
- G - General Subzone

REF: USGS MAP



FIGURE 4-2

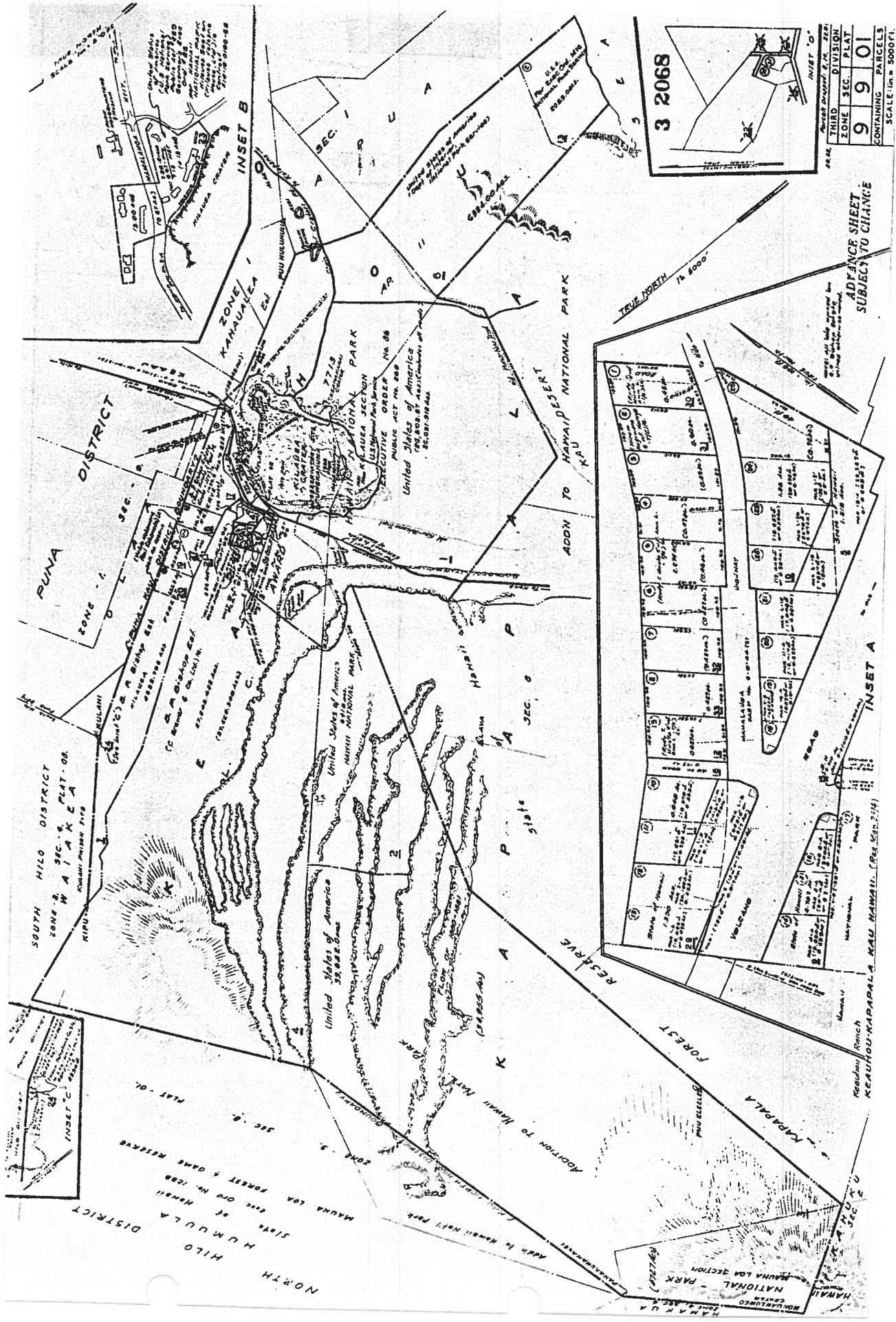
VICINITY MAP



NORTH

CDUA no. HA-9/13/85-1839
 APPLICANT HAWAIIAN TELEPHONE COMPANY
 AGENT R.M. TOWILL CORPORATION
 TMK 2-4-B:9 & 9-9-01:7, 24
 SCALE _____

- PROTECTIVE
- RESOURCE LIMITED
- GENERAL PROJECT AREA



UNITED STATES DEPARTMENT OF THE INTERIOR	LAND DIVISION
ZONE	SEC. PLAT.
9	9 01
CONTAINING PARCELS	
SCALE 1 in. = 5000 FT.	

ADVANCE SHEET
SUBJECT TO CHANGE



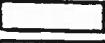
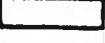
CDUA no. HA. 9/13/85-1839
 APPLICANT HAWAIIAN TELEPHONE COMPANY
 AGENT R. U. TOWILL CORPORATION
 TMK 2-A-B:9 & 9-9-01: 1, 24
 SCALE

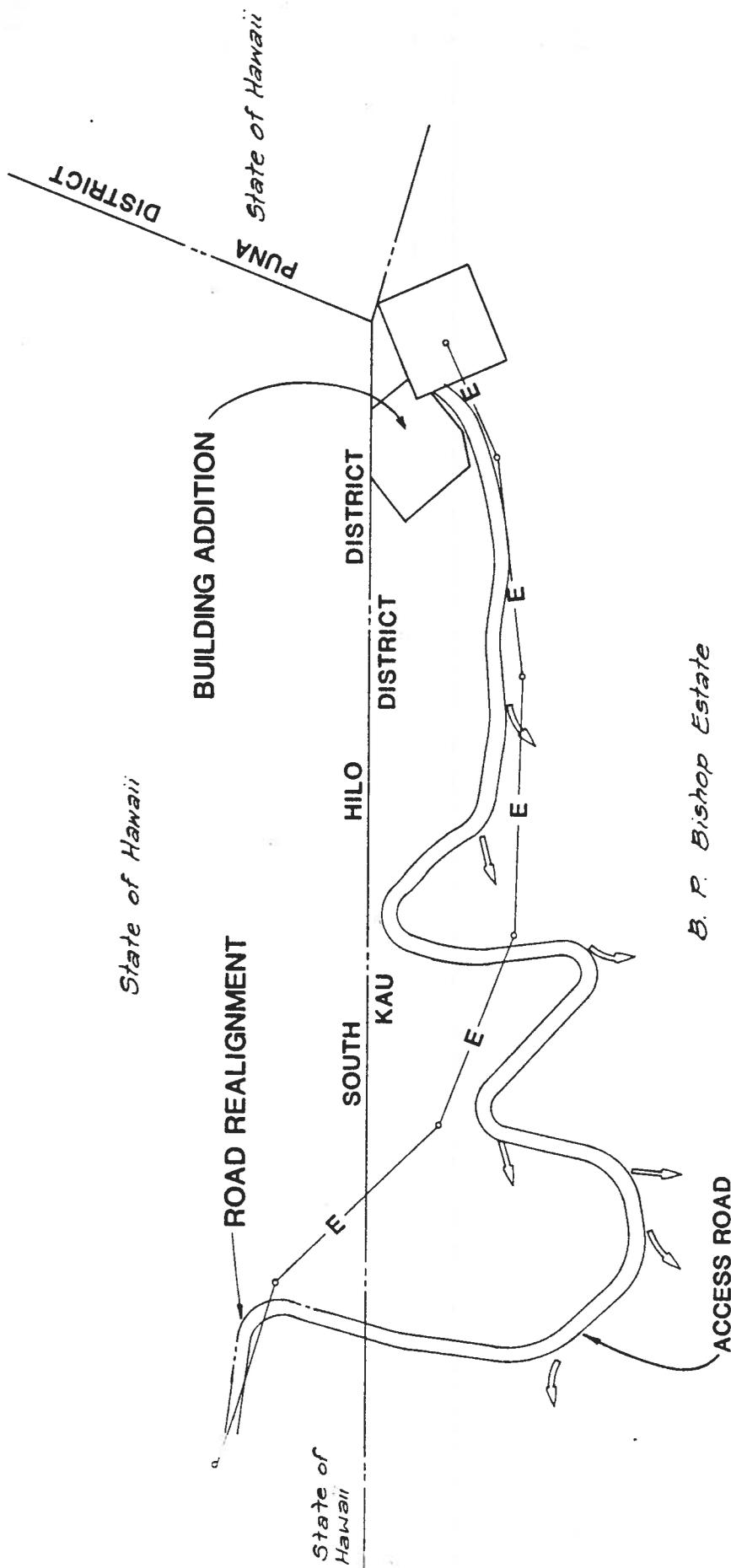
- SUBZONE
- PROTECTIVE
 - RESOURCE
 - LIMITED
 - GENERAL
- PROJECT AREA



NORTH

CDUA no. HA. 9/13/85-1839
 APPLICANT HAWAIIAN TELEPHONE COMPANY
 AGENT R. U. TOWILL CORPORATION
 TMK 2-4-B:9 & 9-9-01:7, 24
 SCALE _____

SUBZONE  PROTECTIVE
 RESOURCE
 LIMITED
 GENERAL
 PROJECT AREA



LEGEND:

-  Access Road
-  Drainage Swale
-  Power Line



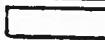
100 50 0 100 200
 SCALE IN FEET

FIGURE 4-3
PROJECT SITE



NORTH

CDUA no. HA. 9/13/85-1839
 APPLICANT HAWAIIAN TELEPHONE COMPANY
 AGENT R. U. TOWILL CORPORATION
 TMK 2-4-B:9 & 9-9-01:7, 24
 SCALE

SUBZONE  PROTECTIVE
 RESOURCE
 LIMITED
 GENERAL
 PROJECT AREA

2-4-08:25
 State of Hawaii
 (Dept. of Land & Natural Resources)
 PULU MAKAALA NATURAL AREA RESERVE

KULANI

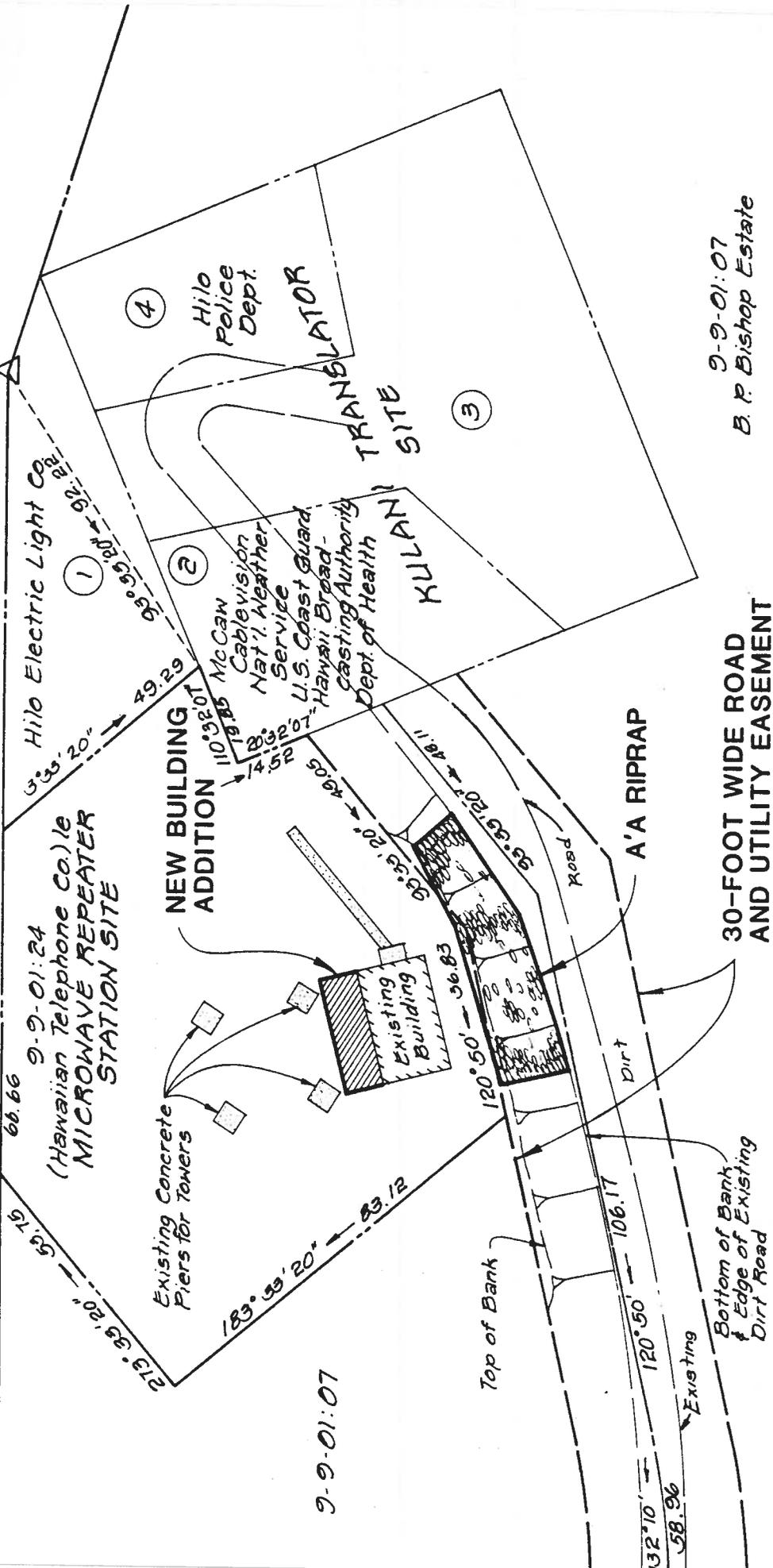


FIGURE 4-4
**SITE PLAN AND
 USER IDENTITIES**

LEGEND:
 ① Unrecorded Parcels Used by Various Organizations





NORTH

CDUA no. HA. 9/13/85-1839
 APPLICANT HAWAIIAN RECREATION COMPANY
 AGENT R. U. TOWILL CORPORATION
 TMK 2-4-B:9 & 9-9-01:7, 24
 SCALE

SUBZONE	PROTECTIVE RESOURCE LIMITED GENERAL PROJECT AREA
	PROTECTIVE RESOURCE LIMITED
	GENERAL PROJECT AREA

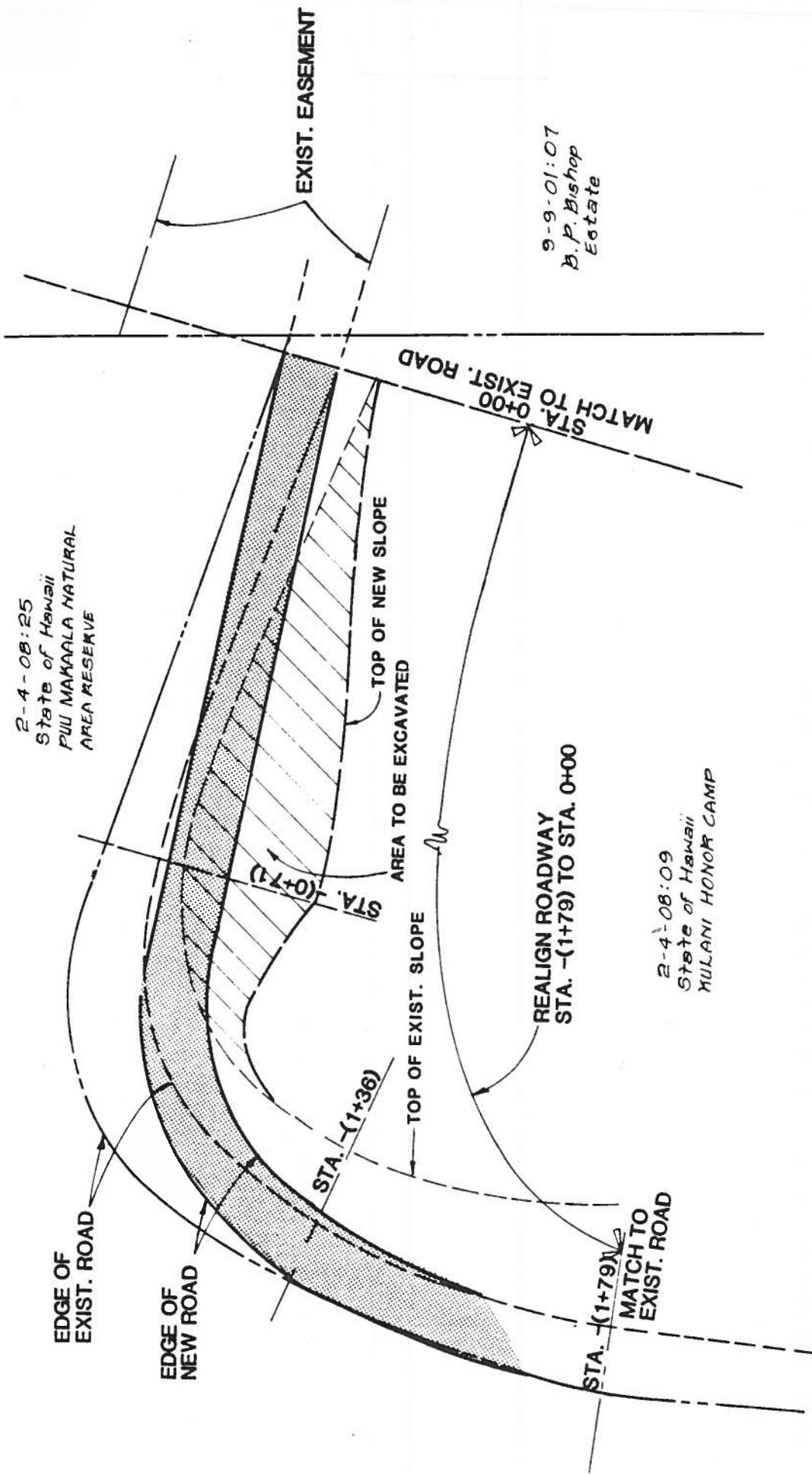


FIGURE 4-5
ROAD REALIGNMENT PLAN