

GEORGE R. ARIYOSHI
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
P. O. BOX 621
HONOLULU, HAWAII 96809



SUSUMU ONO, CHAIRMAN
BOARD OF LAND & NATURAL RESOURCES
EDGAR A. HAMASU
DEPUTY TO THE CHAIRMAN
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AQUATIC RESOURCES
CONSERVATION AND
RESOURCES ENFORCEMENT
CONVEYANCES
FORESTRY AND WILDLIFE
LAND MANAGEMENT
STATE PARKS
WATER AND LAND DEVELOPMENT

FILE NO.: HA-8/22/85-1819
180-Day Exp. Date: 2/18/86
REF. NO.: CPO-0282
DOCUMENT NO.: 0342C

MAR 14 1986

Mr. Harold Masumoto
Vice President, Administration
University of Hawaii at Manoa
2444 Dole Street
Honolulu, Hawaii 96822

Dear Mr. Masumoto:

CONSERVATION DISTRICT USE APPLICATION
for a Subdivision to Create an Approximately 21-Acre Site
at Hale Pohaku for Use by the University of Hawaii
for Permanent Mid-Level Facilities;
Mid-Level Facilities; an Information Station;
a Long-Term Construction Workers' Camp and Construction
Staging Area; and Withdrawal of the 21+ Acre Site for the
Mauna Kea Forest Reserve at Hale Pohaku, Hamakua, Hawaii

We are pleased to inform you that the Board of Land and Natural Resources, at its meeting of February 14, 1986, approved for subdivision to create a + 21- acre site at Hale Pohaku for use by the University of Hawaii as a permanent mid-level facility; planned and possible future expansion of the permanent mid-level facility; an information station; long-term construction workers' camp and construction staging area at Hale Pohaku, Hamakua, Hawaii, subject to the following conditions:

1. The applicant shall comply with all applicable statutes, ordinances, rules and regulations of the Federal, State and County governments, and applicable parts of Section 13-2-21, Administrative Rules, as amended;
2. 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;

3. 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;
4. The applicant shall comply with all applicable Public Health Regulations;
5. 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;
6. 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 five (5) years of the approval of such use. Failure to comply with this condition shall render this application null and void;
7. Mamane tree removal will be kept to a minimum. Trees that are removed will be transplanted to protected areas and cared until established. Disturbed areas will be planted with appropriate native species;
8. Undergrowth will be controlled to prevent fires from destroying existing mamane forest;
9. Construction will not be initiated during the palila breeding season unless the palia are discouraged from nesting in the construction area prior to and during the nest site selection, pairing, and breeding/rearing season. This will be coordinated with the division of Forestry and Wildlife, and U.S. Fish and Wildlife Service;

10. Surfaces exposed by construction activities will be planted with native grasses, shrubs, and tree species;
11. Construction activities will, as much as possible, be limited to areas that are open and with forest cover;
12. Non-native birds, particularly house sparrows, will be controlled by removal of their nests and through mistnetting. This will be coordinated with the Division of Forestry and Wildlife, and U.S. Fish and Wildlife Service;
13. An education program to limit human disturbances to the surrounding areas will be developed;
14. Pet cats will be prohibited at the proposed construction camp;
15. The on-going feral cat and rat-trapping program will be continued. This will be coordinated with the Division of Forestry and Wildlife, and U.S. Fish and Wildlife Service;
16. Garbage will be stored in elevated rodent-proff containers;
17. Only downward directed lights will be used to limit attraction and disorientation of fledgling dark-rumped petrels;
18. All work shall be confined within the 21-acre parcel, unless otherwise provided for by this Department;
19. The applicant shall work with the Division of Historic Sites to devise an archaeological plan for the two sites within the 21-acre parcel. No construction work be conducted in or on the two sites until an archaeological plan, acceptable to this Department, is developed;
20. No hunting or possession of fire arms by construction workers will be allowed at the construction camp site; and,

Mr. Harold Masumoto

HA-1819

21. 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.

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: Hawaii County Board Member
Hawaii District Land Agent
Hawaii County Planning Department
DOH/OEQC/EC/DPED/OHA
U.S. Fish & Wildlife Service
Attn: William Kramer

GEORGE R. ARIYOSHI
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
P. O. BOX 621
HONOLULU, HAWAII 96809

4-9
DIVISIONS:
CONVEYANCES
FISH AND GAME
FORESTRY
LAND MANAGEMENT
STATE PARKS
WATER AND LAND DEVELOPMENT

FILE NO.: HA-8/22/85-1819
180-Day Exp. Date: 2/18/86
DOC. NO.: 0257C

February 14, 1986

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

Gentlemen:

CONSERVATION DISTRICT USE APPLICATION
for a Subdivision to Create an Approximately 21-Acre Site
at Hale Pohaku for Use by the University of Hawaii
for Permanent Mid-Level Facilities;
Planned and Possible Future Expansion of the Permanent
Mid-Level Facilities; an Information Station;
a Long-Term Construction Workers' Camp and Construction
Staging Area; and Withdrawal of the 21+ Acre Site for the
Mauna Kea Forest Reserve at Hale Pohaku, Hamakua, Hawaii

APPLICANT: Mr. Harold Masumoto
Vice President, Administration
University of Hawaii at Manoa
2444 Dole Street
Honolulu, Hawaii 96822

LANDOWNERSHIP: State of Hawaii

LOCATION: TMK 4-4-15:1, Hale Pohaku, Hamakua, Hawaii

AREA OF PARCEL/USE: 48,805+ Acres/21+ Acres

SUBZONE: Resource

DESCRIPTION OF AREA/CURRENT USE:

Hale Pohaku is located at approximately the 9200- to 9400-foot elevation on Mauna Kea. All but approximately seven acres are within the Mauna Kea Forest Reserve. The Hale Pohaku area, including the proposed construction camp site, is also situated within the critical habitat of an endangered species, the Palila (Federal Register, August 1977). If a federal presence is involved in a future project, development within a federally recognized critical habitat of an endangered species is subject to the rules and regulations of Section 7 of the Endangered Species Act of 1973 (U.S.C. 1536) and 1978 amendments to the Act.

ITEM H-9

PROPOSED USE:

The applicant indicated that at the time the Mauna Kea Science Reserve Complex Development Plan (SRCDP) was prepared, it was recognized that construction workers building future telescopes would also require housing at Hale Pohaku during the time that they were working at the summit. It was not anticipated, however, that this type of housing would be required for more than one telescope construction crew at a time.

Based on the Complex Development Plan and on interest shown by potential telescope projects in the past two years, there is a strong probability that, in the near future, there may be parallel or overlapping construction of a number of major telescopes on Mauna Kea. This indicates that a construction camp should be planned which cannot only be used over the long term, but also can be expanded to accommodate a relatively large number of construction workers. At the same time, the temporary University of Hawaii (UH) buildings will have to be demolished in order to make room for additional permanent dormitories. In addition, Department of Land and Natural Resources (DLNR) has requested that UH move or demolish the two temporary buildings that are currently located adjacent to the Mauna Kea Observatory access road, fronting the newly completed Mid-Level Facilities. For these reasons, it has become obvious to UH that a new site in the Hale Pohaku area be selected to accommodate the construction camp and that planning for the construction camp should consider construction worker housing requirements through the construction period projected in the SRCDP (year 2000), allowing for the fact that several telescopes might be under construction at one time.

The Keck Telescope plans to commence foundation work in early 1986 and, at the present time, there is no housing available for the workers. In addition, an area of approximately one acre will be needed for use as a staging area for telescope construction activities on the mountain. This Conservation District Use Application (CDUA) is being filed with the Board of Land and Natural Resources (BLNR) in order to obtain approval for the following actions on state lands.

- A. Creation of a 21+ acre site at Hale Pohaku for the following purposes (see Exhibit 5):
1. Existing permanent Mid-Level Facilities, consisting of approximately seven acres, pending the formal execution of a lease earlier authorized, with conditions, by the Board of Land and Natural Resources;
 2. An area consisting of approximately six acres for planned and possible future expansion of the permanent Mid-Level Facilities;
 3. An area of approximately three acres for an Information Station, whose operation and maintenance are to become the responsibility of UH as proposed in the Management Plan which was approved by the Board of Land and Natural Resources on February 22, 1985.

4. An area of approximately four acres for a long-term construction workers' camp to meet the needs and time tables for the construction of anticipated new telescopes identified and/or planned in the SRCDP; and
5. An area of approximately one acre for a construction staging area.

B. Construction Camp Site and Master Plan (see Exhibit 4)

Use of a four-acre site located between the 9130- and 9185-foot elevations, within an area bounded by the Information Station and an existing jeep trail to the south. The site would be used for this purpose through the construction of the Keck Telescope and the four additional telescopes projected in the 1983 SRCDP, to approximately the year 2000. This area is planned to accommodate sleeping, cooking, dining and lounge facilities for a maximum of 140 construction workers at one time and will be developed in accordance with the Master Plan submitted for approval at this time.

C. First Phase Improvements and Operation

Construction and operation of the first increment of the construction camp to include:

1. Moving two existing buildings to the site and remodeling them to provide sleeping accommodations for 24 to 29 workers in one building and cooking, dining and lounging facilities in the other.
2. First phase infrastructure improvements to include: construction and paving of a parking area for 20 vehicles, drainage improvements, cesspools, water supply improvements and electrical connections.
3. Construction of two eight-person cabins of approximately 800 square feet each to house an additional sixteen workers if the capacity of the two remodeled buildings is exceeded. Additional water, sewer and electrical services would be extended and constructed as necessary.
4. Occupancy of the construction camp buildings by the Keck Telescope construction crews for a period of approximately four years from date of occupancy. (Potential occupancy of these buildings by construction crews for other telescopes and/or additional improvements on the construction camp site will be addressed in CDUAs which will be submitted for each new telescope, and will be in accordance with the Master Plan for the construction camp as set forth in this CDUA).

D. Construction Staging Area

Occasional use of an approximately one-acre site located adjacent to the Mauna Kea Observatory access road directly south of the proposed construction camp site for temporary storage of construction materials and equipment for telescopes being constructed on the mountain and minor assembly of telescope parts. The area has been used for this purpose in the past. The area will be not be improved and will be restored to its original state after each use. The use is anticipated to be intermittent through the year 2000.

SUMMARY OF COMMENTS:

This application was sent to the following agencies for their review and comments:

The U.S. Fish and Wildlife Service; the County of Hawaii Planning Department; the State of Hawaii Department of Health, Office of Environmental Quality Control, Environmental Council, Office of Hawaiian Affairs, Department of Planning and Economic Development and the Department of Land and Natural Resources' Divisions of Aquatic Resources, Forestry and Wildlife, State Parks, Historic Sites, Land Management, Conservation and Resources Enforcement, Water and Land Development, Natural Area Reserves System. Their comments are as follows:

U.S. Fish and Wildlife Service

Enclosed for your information are the Service's comments on the Supplemental Environmental Impact Statement Preparation Notice (see Attachment A) and Draft Supplemental Environmental Impact Statement (see Attachments B and C) for the Amendment to the Mauna Kea Science Reserve Complex.

Please note that the Service is particularly concerned with the potential increase in feral cat and rat populations at Hale Pohaku and their potential adverse effects on the Federally endangered Palila (*Loxioides bailleui*) and the Hawaiian Dark-rumped Petrel (*Pterodroma phaeopygia sandwichensis*). We continue to recommend that an active on-going feral cat and rat trapping program be conducted in the vicinity of the Mid-Level Facility and the proposed construction camp. We also recommend that upward directed lights be shielded to prevent sea bird attraction and disorientation.

These programs should be coordinated with our office and your Division of Forestry and Wildlife.

Subsequent comments from U.S. Fish and Wildlife Service

The U.S. Fish and Wildlife Service has reviewed the referenced Conservation District Use Application and the Final Environmental Impact Statement and offers the following comments for your consideration.

The Service is pleased that the following mitigation measures will be implemented by the applicant:

1. Mamane tree removal will be kept to a minimum. Trees that are removed will be transplanted to protected areas and cared for until established. Disturbed areas will be planted with appropriate native species.
2. Undergrowth will be controlled to prevent fires from destroying existing mamane forest.
3. Construction will not be initiated during the palila breeding season unless discouraged from nesting in the construction area prior to and continuing into the nest site selection, pairing, and breeding/rearing season.
4. Surfaces exposed by construction activities will be planted with native grasses, shrubs, and tree species.
5. Construction activities will, as much as possible, be limited to areas that are open and with forest cover.
6. Non-native birds, particularly house sparrows, will be controlled by removal of their nests and through mist-netting.
7. An education program to limit human disturbances to the surrounding areas will be developed.
8. Pet cats will be prohibited at the proposed construction camp.
9. The on-going feral cat and rat-trapping program will be continued.
10. Garbage will be stored in elevated rodent-proof containers.

We recommend that the above mitigation measures 3, 6, and 9 be fully coordinated with your Division of Forestry and Wildlife and the U.S Fish and Wildlife Service. We are particularly interested in who will be conducting the mist-netting of alien bird species and the feral cat and rat-trapping program.

In addition to the above mitigation measures, we recommend that only downward directed lights be used to limit attraction and disorientation of fledgling dark-rumped petrels.

Department of Health

Our staff has reviewed this request, and if the cafeteria has no problem meeting the 800-gallon per day wastewater disposal requirement, there are no additional concerns.

Please be informed that we have no objections to granting the permit.

Office of Environmental Quality Control

Our main concern regarding this project is that the endangered palila habitat is not adversely affected. If at all possible, the construction workers' camp should be erected without transplanting any mamane trees. We would also like to see the number of sleeping units kept to a minimum.

Department of Hawaiian Home Lands

Thank you for your letter of October 29, 1985, requesting the Department of Hawaiian Home Lands (DHHL's) comments regarding the application.

The two (2) parcels (3-8-01:3, 4) which are adjacent to the one identified as being impacted upon have only recently been returned to the DHHL by the Governor's action. These lands are part of a planning sequence which involves assessing each and identifying how best they might be utilized within the goals set forth by the Hawaiian Homes Commission for this year. The assessment of these two parcels will be done in January. Thus, the potential impacts of the CDUA on these parcels will be fully reviewed at that time. A major concern, however, would be that the proposed development by the University does not encroach upon or disturb the "essential habitat" of endangered forest birds in the areas. Portions of both parcels and portions of the one which is being directly impacted upon by the CDUA (4-4-15:1) have been identified as "essential habitat" for endangered Hawaiian forest birds in the Mauna Kea Forest Reserve by the U.S. Fish and Wildlife Service's Hawaii Forest Bird Recovery Plan.

Other than voicing this caution, the DHHL has no objection to granting the proposed CDUA at this time to the University of Hawaii.

State Parks/Historic Sites

Historic Sites Concerns

See our attached (Attachment D) review of the Draft Supplemental EIS for this proposed project. We have no objections to the project as long as they meet the recommendations in our comments.

Recreation Concerns

There are no known public park concerns. We note the public may be able to use the proposed parking area on weekends, and this facility has been coordinated with the public information station.

Subsequent comments from State Parks/Historic Sites

Historic Sites Concerns

We have now responded to this project three times in the same fashion since August, 1985. Briefly, one archaeological site was found that appears to be eligible for inclusion on the Hawaii and National Registers of Historic Places--a quarry site quite different from the adze quarry on the mountain, with five lithic scatter areas and two shrines.

Phase I will not directly impact this site, but increased activity at Hale Pohaku during Phase I construction could, indirectly, lead to damage. Later phases will likely impact the site. A historic preservation plan needs to be established and be committed to before Phase I begins. The UH's archaeological consultant (Dr. P. McCoy) recommended intensive archaeological survey and then possible fencing or archaeological data recovery, and we recommended the survey and fencing alternative be followed.

The UH's October 18, 1985 letter (and the final EIS, pp. 26-7) says that a historic preservation plan will be developed, in cooperation and coordination with our office, to be approved by our office. This is acceptable, as long as the plan is worked out and agreed to before Phase I. The same letter says the UH would be contacting our office shortly to work out this plan and some timing and geographic concerns, but the UH or its planner have not yet contacted us. (The archaeological consultant, Dr. McCoy, did contact us, and he basically agreed with our position.)

Given these problems, we believe that historic preservation concerns have not been adequately resolved. A brief meeting or two with our office to devise an acceptable plan should be able to resolve the problems.

Recreation Concerns

As we have previously noted, there are no known existing public park interests in this project. Hale Pohaku continues to be a staging area for various recreation interests on Mauna Kea, but Hale Pohaku itself has no particular resources of park value.

Forestry and Wildlife

Our major concern is that this action would represent an expansion of the total area to be used by the University, rather than using space encompassed by existing facilities. It would impinge upon a major access road used by the public for access to hunting and other recreation. Specificity is also needed in the long term propagation of native vegetation as a mitigation action.

The University of Hawaii is requesting a lease for the proposed four-acre parcel to be used for a construction camp. Prior to any lease arrangement, the land area in question should be surveyed and withdrawn from forest reserve status by Executive Order.

The daytime sleepers/daytime activities conflict appears to be over-exaggerated. We fail to see its validity to warrant this "urban sprawl" that the University is requesting. The two buildings (A & B) can be renovated on-site and any new cabin construction should be located above the visitor center where ample room exists. In light of the need to accommodate a relatively large number of construction workers, why should buildings C & D be demolished?

The eight-man cabins to be constructed will initially house construction workers. Will these cabins be eventually used as permanent housing for astronomers? If this is the case, it should be located close to other dormitory sites.

We fail to see why the University of Hawaii is not going out-right with solar panels and use electrical water heaters as back-ups considering the long-term nature of the project.

A four-acre construction camp site seems more than adequate. The staging site, however, will not be big enough (one acre) particularly if more than one construction company is involved simultaneously. A staging area of at least two acres will be needed.

The hunting access roadway should not be in common with any construction roadways and should be far enough away to not be picketed in case of strikes, etc.

More positive statements are required for husbandry of transplanted mamane trees. Responsibility for irrigation, fertilizing and construction of supportive devices should be assigned.

Subsequent comments from Division of Forestry and Wildlife after reviewing University's comments (Attachment F) and Final EIS

We find that the University has addressed our Department's concerns adequately. We have no comments at this time.

The State of Hawaii Department of Planning and Economic Development, and the Department of Land and Natural Resources' Divisions of Land Management, Aquatic Resources, Natural Area Reserves System, and Water and Land Development had no objection to the proposed use.

SUMMARY OF PUBLIC HEARING:

A public hearing, pursuant to Chapter 183-41, Hawaii Revised Statutes, as amended, was held at 6:00 p.m., on November 21, 1985, in the State Office Building Conference Room, Hilo, Hawaii.

Only one person presented oral testimony at the hearing. This individual spoke neither for nor against the proposed use; however, the individual did raise several concerns which will be discussed in this summary. The Board also raised several questions regarding this application. The questions and concerns raised were as follows:

1. If the University wished to expand the one-acre construction staging area, what would be the process? Does the Board have the discretionary power to expand the area beyond one acre?

Normally, an expansion of use either requires a new application or an amendment. In this situation, however, if the Board approves the use of a 21-acre parcel for the University's mid-level facilities, and the staging area expansion is confined within the 21-acre parcel, no new application or amendment will be required.

2. Who owns the two existing buildings which the University proposes to relocate?

A review of our records indicates that, in May of 1976, the Board approved CDUA HA-781 for the construction of these temporary facilities, subject to several conditions. One of the conditions states:

"That the temporary dormitory facilities be given to the Department of Land and Natural Resources for use as public recreational support facilities at the completion of the UKIRT construction activities provided, however, should the Department of Land and Natural Resources not accept the facilities, the applicant shall restore the site to its original condition."

In August, 1984, the applicant informed us that since the new mid-level facilities at Hale Pohaku had been completed, and the temporary structures were no longer in use. Therefore, pursuant to CDUA HA-781, the applicant requested to arrange for removal of the buildings and restore the site to its original condition. We further requested that the applicant relocate one of the buildings to Pohakuloa for use by the Department.

Since this Department chose to use only one of the buildings, the University, in keeping with the condition imposed under HA-781, must remove the remaining buildings. It appears then that the ownership of the remaining temporary buildings at Hale Pokaku rests with the University.

3. Under the Federal Protection Act, with reference to the mamane, is it permitted to move a plant from one site to another?

Based on the subsequent comments from the U.S. Fish and Wildlife Service, transplanting of trees is allowed.

4. What types of activities will be conducted at the construction staging area?

The applicant indicated that the area will be used for vehicle storage, as well as some types of construction activities. However, the extent of this construction activity is unknown at this time because the applicant expects that future telescopes will be of a radically new design.

5. Why does the University need so many telescopes?

Each telescope is: (1) designed to do a different thing; (2) optimized for different types of projects; and (3) serve different countries.

6. Would the applicant consider a "non-use" period at the camp for two days during the week?

The applicant felt that a "non-use" period would not work out because construction activity on Mauna Kea occurs on a seasonal basis and must be completed within that seasonal time frame.

7. Is the camp going to be open to families of the construction workers?

No. The camp will be used only for construction workers.

8. Has there been an attempt by the University to monitor the telescope viewing environment at Mauna Kea to determine whether or not it is deteriorating?

Yes. One of the things that the applicant is doing is monitoring "light pollution" around the Big Island which would have negative impact on the usefulness of the Mauna Kea site.

9. What would the University consider potentially the most dangerous type of pollution that might affect the quality of Mauna Kea?

The applicant indicated that at this time, they are unaware of any specific dangers. However, the situation will depend on how rapid the population increases.

10. What justification is there for withdrawing 21 acres from the Mauna Kea Forest Reserve for lease as a mid-level facility? The 21 acres is not mentioned in the supplemental EIS, and there is no documentation justifying the withdrawal from the Forest Reserve.

The Final Supplemental EIS for construction camp housing, which was accepted by the Governor on November 18, 1985, contains the following listing of uses and their required areas within the ± 21-acre parcel:

1. Existing permanent mid-level facilities, consisting of approximately seven acres, pending the formal execution of a lease earlier authorized, with conditions, by the Board of Land and Natural Resources;

2. An area consisting of approximately six acres to include the land necessary for planned expansion of the permanent mid-level facilities; an area reserved for future expansion of the facilities pending a decision, to be made before the year 2000, in accordance with a revised plan as to whether or not to continue to allow new astronomical facilities on Mauna Kea beyond the 13 projected in the Mauna Kea Science Reserve Complex Development Plan; and a buffer area to separate day sleepers from daytime activities. All of the reserved area will remain in open space until such a time as a revised plan is prepared and an expansion decision is made;
3. An area of approximately three acres for an information station, the operation and maintenance of which are to become the responsibility of the University of Hawaii as proposed in the Management Plan, which was approved by the Board of Land and Natural Resources (BLNR) on February 22, 1985;
4. An area of approximately four acres for a long-term construction workers' camp to meet the needs and timetables for the construction of anticipated new telescopes identified and/or planned for in the SRCDP; and,
5. An area of approximately one acre for a construction staging area.

The remaining concerns regarding:

- A. The University's (Department of Astronomy) management of the mid-level facilities;
- B. The introduction of exotic plants at Hale Pohaku;
- C. Public restroom facilities at Hale Pohaku; and
- D. Setting up a watch committee

will be discussed in the analysis.

Finally, written testimony was received from three individuals; one was in favor of, and two were opposed to the proposed use.

ANALYSIS:

Following review and acceptance of the application for processing, the applicant, by letter dated September 17, 1985, was notified that:

1. The proposed use is a conditional use in the Resource subzone 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 involves a subdivision and, in accordance with the Board of Land and Natural Resources' Policy and Subchapter 13-2-23 of Title 13, Chapter 2, Administrative Rules, as amended; and
3. Based on the description of the proposed actions, the applicant has determined that there may be a significant effect as defined by Section 1:31 of the EIS Regulations. As a consequence, they are required to submit a Supplemental Environmental Impact Statement, in accordance with EIS Rules and Regulations, as established under Chapter 343, Hawaii Revised Statutes, as amended.

Written clearance from the County of Hawaii Planning Department regarding the SMA requirement has been obtained.

The Final Supplemental Environmental Impact Statement, required for this proposed activity, was accepted by the Governor of the State of Hawaii on November 18, 1985.

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.

Through the EIS process, our Department prepared comments on the Draft Supplemental EIS for the proposed project. However, because our comments were late, they were not included in the Final EIS. Our comments and the University's response are attached as Attachments E and F.

Most of the remaining concerns raised at the public hearing can be addressed by examining the Final Mauna Kea Management Plan which was approved by the Board on February 22, 1985. As indicated in the Management Plan, because the University is lessee of the Mauna Kea Science Reserve and occupies mid-level facilities at Hale Pohaku, it has been responsible for developing and maintaining these areas.

Through this requested action, it is the University's intent to have more flexibility to respond to the multiple user needs on Mauna Kea. With this flexibility also comes an added responsibility. Thus, should this request be approved, the University and/or its representatives will be responsible for management of the entire leased area, subject to any conditions placed on the approval of the use through this application. As such, the University is treated in the same manner as any other applicant who obtains an approved CDUA from this Department.

The University currently has a lease from this Department for the Summit Science Reserve (G.L. No. S-4191). As a part of this lease, the University is prohibited from planting any trees, shrubs, flowers, or any other plants in the leased area except those approved for such planting by the Chairperson. Should this current application be approved, a similar type of condition will be applied to the newly-defined leased area.

Testimony received at the public hearing indicated that exotic plant species have already been introduced at Hale Pohaku. Staff believes that the University, in order to correct this situation should, after consultation with our Division of Forestry and Wildlife personnel, begin to eradicate these exotics from their leased area.

The Final Management Plan also provides for public restroom facilities at the visitor information station. However, the implementation of the Management Plan will occur in phases. Thus, while the information station facility has already been completed, funding for the maintenance and operation has yet to be secured. The applicant indicates that the station will be opened and manned on a limited basis during periods of anticipated heavy use as funds become available.

The Management Plan also stipulates that a Management Committee be formed to assess the on-going activities on Mauna Kea. The Committee will then formulate recommendations for appropriate action concerning control of access and protection of resources in the U.H. Management Area. To date, however, the Management Committee has not yet been formed.

Since the Board approved the Final Management Plan in February of 1985, the University has been pursuing various different avenues toward implementation of the Final Management Plan. Specifically, these involve: securing funding, developing the commercial recreation management plan and promulgating the rules and regulations required to enforce the U.H. managed area.

We have met with the applicant to discuss the concerns raised by our Historic Sites personnel. We understand that the applicant's archaeologist has discovered a total of seven sites both in and around the mid-level facilities area. Two of these sites are within the 21-acre parcel under consideration in this application, and the other five sites are outside of, but in close proximity to, the 21-acre parcel.

Based upon our discussion, the applicant has agreed to take the following action to protect these newly-discovered sites:

- a) Confine all work activity within the 21-acre parcel; and
- b) Work with our Historic Sites personnel to devise an archaeological plan for the two sites within the 21-acre parcel. No work will occur on the two sites until an acceptable archaeological plan is developed.

Staff believes that the current proposal is beneficial to both the University and this Department in managing the resources at Mauna Kea because it allows the University the flexibility needed to respond to their various user needs, yet protects the natural resources on Mauna Kea through conditions imposed under CDUA's and leases. Moreover, the lease allows this Department to hold the University accountable for fulfilling their responsibilities under the terms and conditions of the lease.

It has been staff's position that in order to minimize unnecessary disturbance at Hale Pohaku, all activity should be confined to a specific area. For this reason, staff initially advocated the location of the construction camp between the existing Hale Pohaku mid-level facilities and the information station. However, considering the revised proposal involving the 21 acre parcel for the mid-level facility, staff believes that a more logical and long-term objective may be achieved. Rather than considering proposals on a piecemeal basis, staff supports the applicant's approach, under consideration, in attempting to anticipate the long-term needs for the facility.

Therefore, staff recommends as follows:

RECOMMENDATION:

That the Board approve this application for subdivision to create a + 21-acre site at Hale Pohaku for use by the University of Hawaii as a permanent mid-level facility; planned and possible future expansion of the permanent mid-level facility; an information station; long-term construction workers' camp, and construction staging area at Hale Pohaku, Hamakua, 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, of Title 13, Chapter 2, Administrative Rules, as amended;
2. 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;
3. 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;
4. The applicant shall comply with all applicable Public Health Regulations;

5. 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;
6. 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;
7. Mamane tree removal will be kept to a minimum. Trees that are removed will be transplanted to protected areas and cared until established. Disturbed areas will be planted with appropriate native species;
8. Undergrowth will be controlled to prevent fires from destroying existing mamane forest;
9. Construction will not be initiated during the palila breeding season unless discouraged from nesting in the construction area prior to and continuing into the nest site selection, pairing, and breeding/rearing season. This will be coordinated with the Division of Forestry and Wildlife, and U.S. Fish and Wildlife Service;
10. Surfaces exposed by construction activities will be planted with native grasses, shrubs, and tree species;
11. Construction activities will, as much as possible, be limited to areas that are open and with forest cover;
12. Non-native birds, particularly house sparrows, will be controlled by removal of their nests and through mist-netting. This will be coordinated with the Division of Forestry and Wildlife, and U.S. Fish and Wildlife Service;
13. An education program to limit human disturbances to the surrounding areas will be developed;
14. Pet cats will be prohibited at the proposed construction camp;
15. The on-going feral cat and rat-trapping program will be continued. This will be coordinated with the Division of Forestry and Wildlife, and U.S. Fish and Wildlife Service;

16. Garbage will be stored in elevated rodent-proof containers;
17. Only downward directed lights will be used to limit attraction and disorientation of fledgling dark-rumped petrels;
18. All work shall be confined within the 21-acre parcel, unless otherwise provided for by this Department;
19. The applicant shall work with the Division of Historic Sites to devise an archaeological plan for the two sites within the 21-acre parcel. No construction work be conducted in or on the two sites until an archaeological plan, acceptable to this Department, is developed; and,
20. Other terms and conditions as prescribed by the Chairperson.


Respectfully submitted,


DEAN UCHIDA
Staff Planner

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Attachments

APPROVED FOR SUBMITTAL:


SUSUMU ONO, Chairperson
Board of Land and Natural Resources

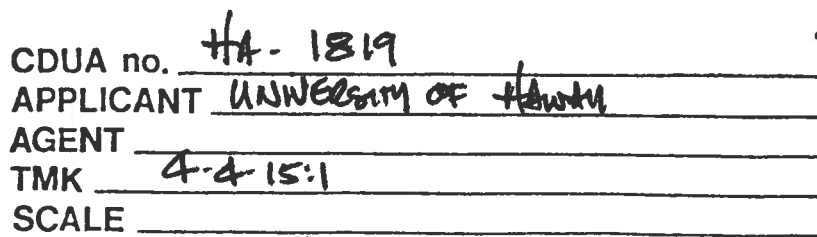


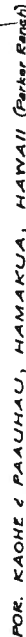
Exhibit 1

SUBZONE		
		PROTECTIVE
	XXXXXX	RESOURCE
		LIMITED
		GENERAL
		PROJECT AREA



SCALE

PROJECT AREA

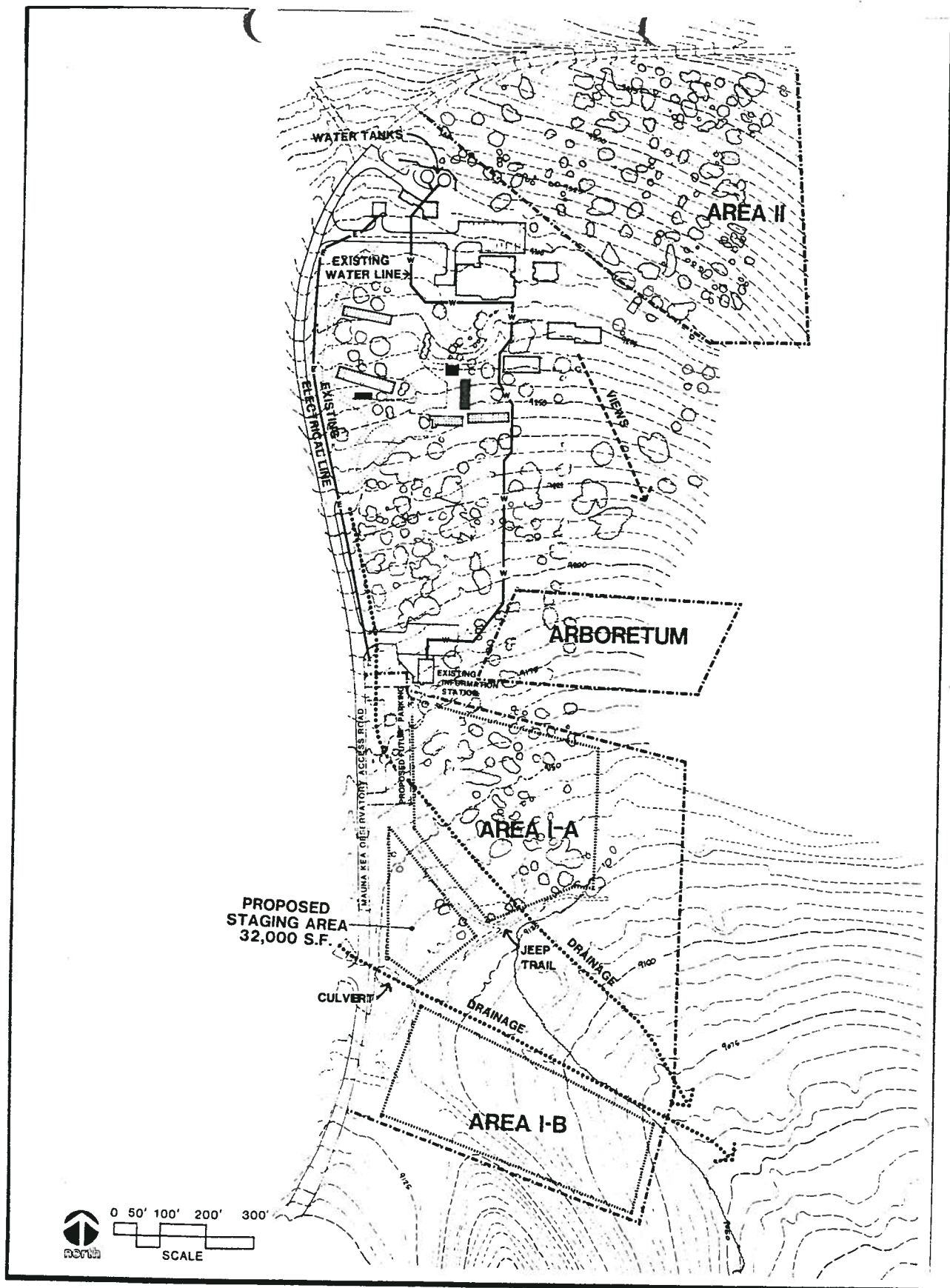


Female Dropped: 6, 7, 8,

THIRD DIVISION		
ZONE	SEC.	PLAT
4	4	15

CONTAINING PARCELS
SCALE: 1" = 5000 FT

CONSTITUTIONAL
LEFTHAND



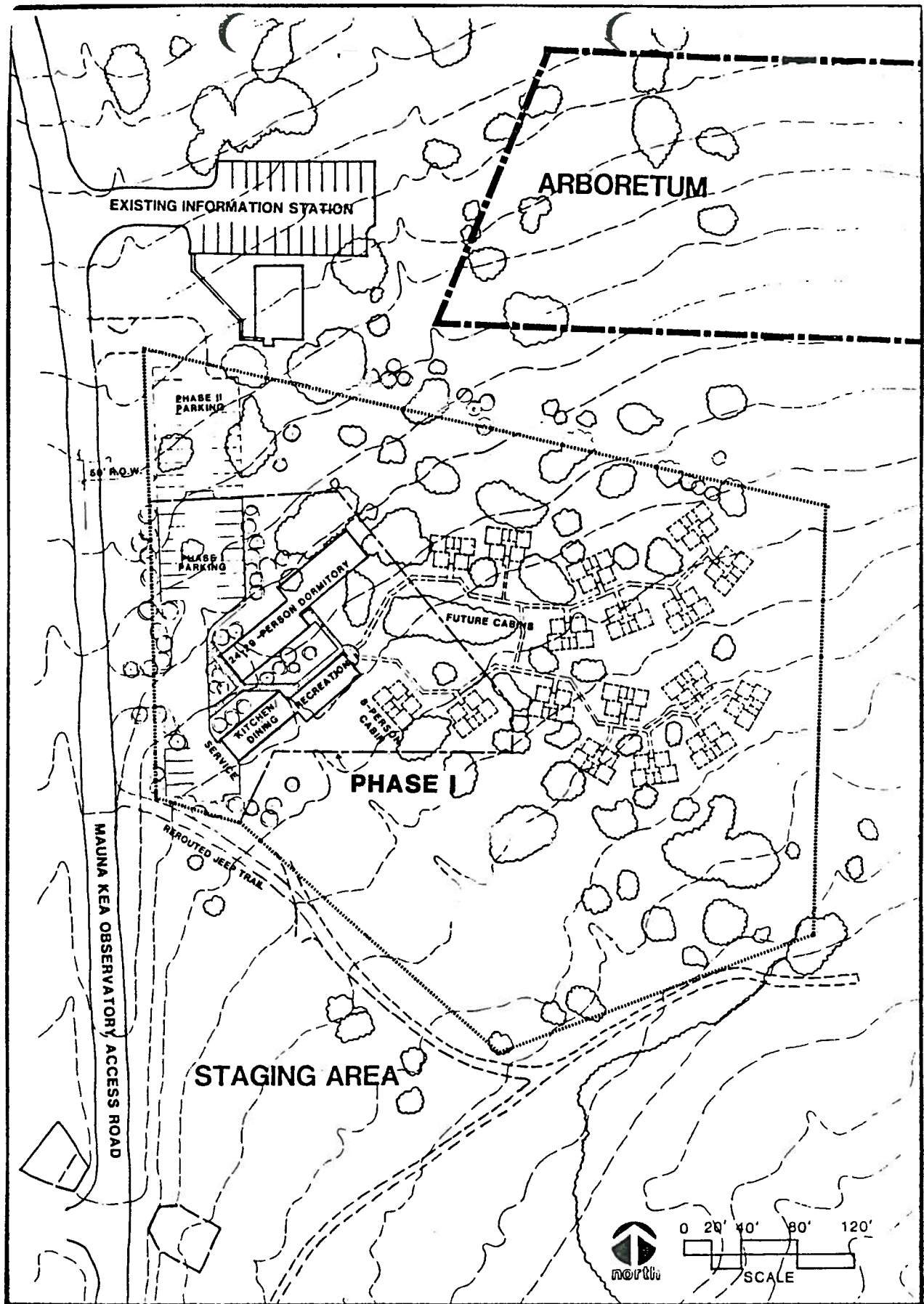
Existing Conditions & Alternate Areas for Construction Camp Housing at Hale Pohaku



CDUA no. HA 1819
 APPLICANT UNIVERSITY OF HAWAII
 AGENT _____
 TMK 4-4-15:1
 SCALE _____

Exhibit 3

SUBZONE		PROTECTIVE
		RESOURCE
		LIMITED
		GENERAL
		PROJECT AREA



Chapman
Desai
Sakata,
Inc.

Architecture-Planning-Interior-Graphics-808-628-4300 CHPMN #30340
Punch Tower Suite 400 - 1001 Bishop Street Honolulu, Hawaii 96813-3699



Construction Camp Master Plan



NORTH

CDUA no. 11-1819
APPLICANT University of Hawaii
AGENT _____
TMK 4-4-15:1
SCALE _____

Exhibit 4

SUBZONE		PROTECTIVE
		RESOURCE
		LIMITED
		GENERAL PROJECT AREA

APPROX. + 21 ACRES

ARBORETUM

AREA I-A



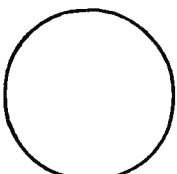
0 50' 100' 200' 300'
SCALE

PROPOSED UH SUBDIVISION AND LEASE AREA
AMENDMENT TO CDUA HA-1819
TAX MAP KEY: 4-4-15:1(POR)

TEMPORARY CONSTRUCTION CAMP HOUSING AT
HALE POHAKU



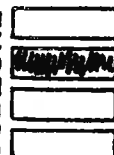
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SCALE



NORTH

CDUA no. HA-1819
APPLICANT UNIVERSITY OF HAWAII
AGENT _____
TMK 4-4-15:1
SCALE _____

SUBZONE



PROTECTIVE
RESOURCE
LIMITED
GENERAL
PROJECT AREA

EXHIBIT 5