

JOHN WAIHEE
GOVERNOR OF HAWAII



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

WILLIAM W. PATY, CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES

DEPUTIES

MANABU TAGOMORI
Dan T. Kochi

AQUACULTURE DEVELOPMENT
PROGRAM
AQUATIC RESOURCES
CONSERVATION AND
ENVIRONMENTAL AFFAIRS
CONSERVATION AND
RESOURCES ENFORCEMENT
PROGRAM
CONVEYANCES
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
PROGRAM

REC'D
'91 DEC 27 10 57

OFFICE OF ENVIRONMENTAL
QUALITY CONTROL
STATE PARKS
WATER AND LAND DEVELOPMENT

DEC 24 1991

FILE NO.: LA-11/14/91-2534
DOC. NO.: 2289E

MEMORANDUM

TO: The Honorable Brian J. J. Choy, Director
Office of Environmental Quality Control

FROM: William W. Paty, Chairperson
Board of Land and Natural Resources *WIP*

SUBJECT: Document for Publication in the OEQC Bulletin
Environmental Assessment for Conservation District Use
Application LA-2534 for Internal Telecommunication
Facility, Kanepuu, Lanai
TMK: 4-9-02: 01

The above mentioned Chapter 343 document was reviewed and a negative declaration was declared based upon the environmental assessment provided with the CDUA.

Please feel free to call me or Ed Henry of our Office of Conservation and Environmental Affairs, at 587-0377, if you have any questions.

239

1991-01-08-LA-FRA-

MASTER APPLICATION FORM Rev. 3/89

Installation of a Radio Repeater for Emergency Communications

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

P.O. BOX 621
HONOLULU, HAWAII 96809

FILE COPY

Dear Applicant:

This is a Department of Land and Natural Resources Master Application Form. It is part of the Department's effort to streamline the permit process.

This form is to be used if you desire to apply for one or more of the major land or water permits which are administered by this department. They are as follows:

<u>TYPE</u>	<u>PERMIT</u>
A.	Use of State Lands, including Submerged State Lands for Any Purpose, and
B.	Conservation District Use Application for either Private or Public Lands (note below)
C.	A Permit to <u>Withdraw</u> Water for a Beneficial Use, Within any Designated Ground Water Control Area
D.	A Permit to <u>Supply</u> Water for a Beneficial Use Within any designated Ground Water Control Area
E.	A Well Drilling or Modification Permit Anywhere Within the State

INSTRUCTIONS

All Applicants Are Required To Fill out Pages 1, 10, 11.

Applicants for Type A Permit Must Fill out Pages 1-4.

Applicants for Type B Permit Must Fill out Pages 1-4.

Applicants for Type C or D Permit Must Fill Out Pages 1, 2, 5.

Applicants for Type E Permit Must Fill Out Pages 1, 2, 6, 7.

Please follow the instructions on the respective pages. Should you desire to apply for more than one permit at the same time, please fill out the required pages, and indicate to us so that we may process them simultaneously. In the case that you are submitting a Conservation District Use Application, please refer to page 8 for special instructions.

NOTE: There is a difference in processing times between State land under DLNR control and private land. If the application is on private land the processing time frame starts when it is submitted to DLNR. If the applications is for State lands under DLNR control the processing time frame starts when DLNR signs the application as landowner. You will be notified of the application's acceptance/non-acceptance for processing.

February 1983

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

DEPARTMENT MASTER APPLICATION FORM

FOR DLNR USE ONLY

Reviewed by _____
Date _____
Accepted by _____
Date _____
Docket/File No. _____
180-Day Exp. _____
EIS Required _____
PH Required _____
Board Approved _____
Disapproved _____
Well No. _____

(Print or Type)

I. LANDOWNER/WATER SOURCE OWNER
(If State land, to be filled
in by Government Agency in
control of property)

Name Dole Food Company, Inc.
~~Castle & Cooke Land Company~~

Address P.O. Box 2990

Honolulu, HI

96802-2990

Telephone No. 548-6611

SIGNATURE [Signature]

Date 11/18/91
By Its Agent, Castle & Cooke
Land Company

II. APPLICANT (Water Use, omit if applicant
is landowner)

Name The Nature Conservancy of Hawaii

Address 1116 Smith Street Suite 201

Honolulu, HI

96817

Telephone No. 537-4508

Interest in Property _____

Conservation Easement
(Indicate interest in property; submit
written evidence of this interest)

*SIGNATURE [Signature]

Date November 4, 1991

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

III. TYPE OF PERMIT(S) APPLYING FOR

() A. State Lands

() B. Conservation District Use

() C. Withdraw Water From A Ground
Water Control Area

() D. Supply Water From A Ground
Water Control Area

() E. Well Drilling/Modification

IV. WELL OR LAND PARCEL LOCATION REQUESTED

District _____

Island Lanai

County Maui

Tax Map Key 4-9-02-01

Area of Parcel 38,508 (Pitt 600)
(Indicate in acres or
sq. ft.)

Term (if lease) _____

V. Environmental Requirements SEE ATTACHED

Pursuant to Chapter 343, Hawaii Revised Statutes, and in accordance with Title 11; Chapter 200, Environmental Impact Statement Rules for applicant actions, an Environmental assessment of the proposed use must be attached. the Environmental assessment shall include, but not be limited to the following:

- (1) Identification of applicant or proposing agency;
- (2) Identification of approving agency, if applicable;
- (3) Identification of agencies consulted in making assessment;
- (4) General description of the action's technical, economic, social, and environmental characteristics;
- (5) Summary description of the affected environment, including suitable and adequate location and site maps;
- (6) Identification and summary of major impacts and alternatives considered, if any;
- (7) Proposed mitigation measures, if any;
- (8) Determination;
- (9) Findings and reasons supporting determination; and
- (10) Agencies to be consulted in the preparation of the EIS, if applicable.

VI. Summary of Proposed Use (what is proposed)
SEE ATTACHED

V. Environmental Requirements

1. Identification of applicant or proposing agency;

The Nature Conservancy of Hawaii
1116 Smith Street, Suite 201
Honolulu, Hawaii 96817

A private, non-profit conservation organization

2. Identification of approving agency, if applicable; N/A

3. Identification of agencies consulted in making assessment;

Maui District Forestry Manager briefed and is in support of the repeater.

March 1, 1991, letter of approval from Castle & Cooke (landowner) (Attachment 1A).

May 7, 1991, letter from Clayton Yoshida of Maui County Planning Department indicating that the repeater site is not located in a Special Management Area. The site is within an area designated as conservation by the Lanai Community Plan and within the State Conservation District (Attachment 1B).

The Conservancy has a radio frequency approved and assigned by The Forestry Conservation Coordination Association (FCCA) for the repeater.

4. General description of the action's technical, economic, social, and environmental characteristics;

The repeater specifications are: 35 watt repeater with battery source stored in a metal 3'x 2'x 1' box mounted about half way up on a 15 foot (by 3") metal pole. A solar 3' x 1'x 3" solar panel will be mounted on the metal pole above the metal box. An omni-directional antenna will be mounted to the top of the metal pole. The entire height of the pole with the antenna will not exceed 20 feet (Figure 1).

The repeater will enable safety and emergency communication for Conservancy staff on the islands of Lanai, Molokai, Oahu, and Maui. The Island of Lanai offers the best location for linking emergency communications for Conservancy field staff.

The repeater will not require the removal of any native plants or negative impacts on the adjacent environment. The repeater will not have any negative impacts on the economics of the Lanai community. Jobs or services affected by the installation of the repeater are not known.

5. Summary Description Of Affected Environment

The repeater will be located in the Mahana unit of the Kanepuu Preserve approximately 20 degrees, 52 minutes, 27 seconds latitude and 156 degrees, 55 minutes, 48 seconds longitude. Elevation is about 1700 feet (approximately 500 meters) (Map 1).



CASTLE & COOKE, INC.

ATTACHMENT 1A

P. O. BOX 2990 • HONOLULU, HAWAII 96802-2990
TELEPHONE (808) 548-6611

March 1, 1991

Edwin T. Misaki
Molokai Preserves Manager
The Nature Conservancy of Hawaii
1116 Smith Street, Suite 201
Honolulu, Hawaii 96817

This is in response to your request of February 11, 1991 to approve the installation of a radio repeater system in the conservation easement areas on Lanai as indicated on the map attached thereto.

Castle & Cooke approves the installations on the following conditions:

1. Castle & Cooke reserves the right to require that the radio repeater system be moved at the cost of the Conservancy from time to time.
2. That the repeater shall be painted in colors approved by Castle & Cooke, Inc.

The purpose of these conditions is to minimize any negative impacts on the aesthetics of the area.

The installation of the radio repeater system shall constitute the acceptance of these conditions by The Nature Conservancy.

Very truly yours,


George Nim, President
CASTLE & COOKE LAND COMPANY

cc: James Pierce

LINDA CROCKETT LINGLE
Mayor

ATTACHMENT 1B



BRIAN MISKAE
Planning Director
GUY A. HAYWOOD
Deputy Planning Director

**COUNTY OF MAUI
PLANNING DEPARTMENT**

250 S. HIGH STREET
WAILUKU, MAUI, HAWAII 96723

May 7, 1991

Mr. Edwin T. Misaki
Molokai Preserves Manager
P.O. Box 220
Kualapuu, Hawaii 96757

Dear Mr. Misaki:

Subject: Nature Conservancy's Lanai Radio Repeater Station
at the Kanepuu Preserve

I apologize for the delay in replying to your request for information, but the changeover in administrations has kept us busy. The land use designations for the Kanepuu site are as follows:

- a. Lanai Community Plan - Conservation
- b. State Land Use District - Conservation
- c. County Zoning - None
- d. Special Management Area - The project site is not located in the Special Management Area.

The majority, if not all, of the subject property is located in the State Conservation District. The Lanai Community Plan Conservation District boundary follows the boundary as shown in the State Land Use District boundary map. (see attached maps) If the repeater site lies in the State Conservation District then the State Department of Land and Natural Resources would have primary jurisdiction. If the proposed repeater station lies in the State Agricultural District, then a State Land Use Commission Special Use Permit may be required. Section 205-4.5(7) of the Hawaii Revised Statutes allows for various in the State Agricultural District which include:

"Public, private, and quasi-public utility lines and roadways, transformer stations, communications equipment building, solid waste transfer stations,

Letter
Edwin T. Misaki
Kanepuu Transmitting Site
5/7/91
Page 2

major water storage tanks, and appurtenant small buildings such as booster pumping stations, but not including offices or yards for equipment, material, vehicle storage, repair or maintenance, or treatment plants, or corporation yards, or other like structures;"

The Planning Commissions in the past have approved Land Use Commission Special Use Permits for radio transmitting facilities in the State Agricultural District such as the KAIM transmitting facility at Kaluakoi and the KMVI-FM transmitting tower at Kula. If the radio repeater site is found to be located within the State Agricultural District, then please consult with Planning Director Brian Miskae as to whether a special use permit will be required.

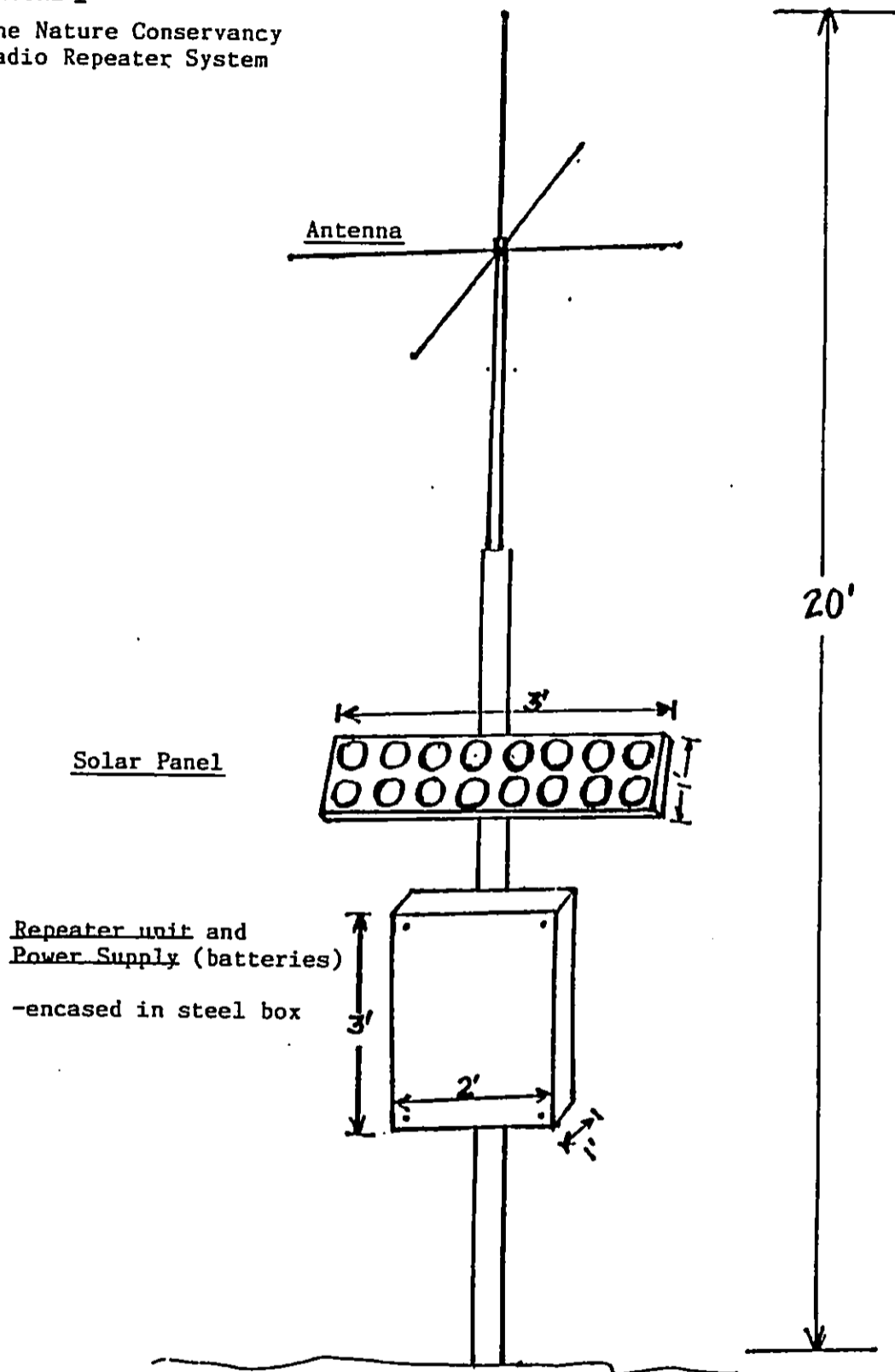
A variance might have to be obtained from the Board of Variances and Appeals if the height of the transmitting tower is more than 30 feet. You should check with the County Department of Public Works if one is required.

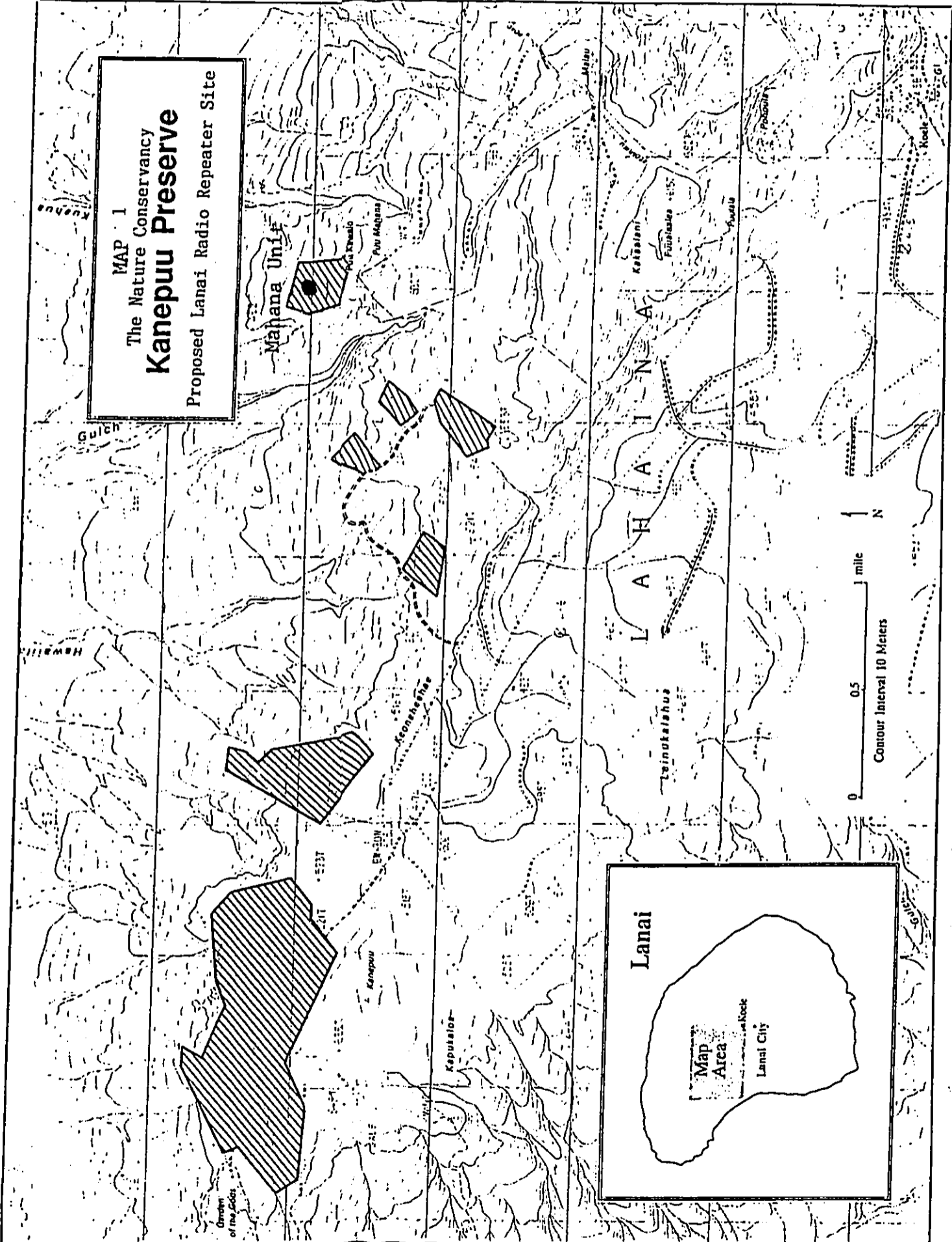
Again, I apologize for being late with my response. If State Agricultural District lands are involved then the project may need a State Land Use Commission Special Use Permit. An application is included for your use. More detailed plans should be submitted to this department for review. Should you have any questions, please contact me.

Very truly yours,

Clayton Yoshida
Clayton Yoshida
Staff Planner

FIGURE 1
The Nature Conservancy
Radio Repeater System





6. Summary of Impacts

It will require no more than 25 square feet (5'x 5') of ground area. Within the 25 square feet area, one post hole of no more than 1 square feet and 3 feet deep will be dug to secure the metal pole. A 5'x 5' cylinder of cleared air space extending upwards of no more than 20 feet will be maintained and kept free of branches and brush to avoid damage to the repeater unit. Surrounding non-native Casuarina (ironwood) trees will be only vegetation maintained at the site. A trail of no more than 50 feet long marked with flagging is all that is needed during the installation.

7. Proposed mitigation measures, if any; N/A

8. Determination; N/A

9. Findings and reasons supporting determination; N/A and

10. Agencies to be consulted in the preparation of the EIS, if applicable; N/A

VI. Summary of Proposed Use (what is proposed)

The Lanai radio repeater system is needed by the Conservancy for emergency communications. The repeater will enable emergency communication for present Conservancy staff on the islands of Lanai, Molokai, Oahu, and Maui. The Island of Lanai offers the best location linking emergency communication for Conservancy field staff. This system is modeled after the State repeater system located on Lanaihale.

INFORMATION REQUIRED FOR ALL USES

I. Description of Parcel

SEE ATTACHED

- A. Existing structures/Use. (Attach description or map).
- B. Existing utilities. (If available, indicate size and location on map. Include electricity, water, telephone, drainage, and sewerage).
- C. Existing access. (Provide map showing roadways, trails, if any. Give street name. Indicate width, type of paving and ownership).
- D. Vegetation. (Describe or provide map showing location and types of vegetation. Indicate if rare native plants are present).
- E. Topography; if ocean area, give depths. (Submit contour maps for ocean areas and areas where slopes are 40% or more. Contour maps will also be required for uses involving tall structures, gravity flow and other special cases).
- F. If shoreline area, describe shoreline. (Indicate if shoreline is sandy, muddy, rocky, etc. Indicate cliffs, reefs, or other features such as access to shoreline).
- G. Existing covenants, easements, restrictions. (If State lands, indicate present encumbrances.)
- H. Historic sites affected. (If applicable, attach map and descriptions).

II. Description: Describe the activity proposed, its purpose and all operations to be conducted. (Use additional sheets as necessary).

III. Commencement Date: Within 3 months of approval

Completion Date: 3 months after commencement

IV. TYPE OF USE REQUESTED (Mark where appropriate) (Please refer to Title 13, Chapter 2)

1. Permitted Use (exception occasional use);
DLNR Title 13, Chapter 2, Section 12; Subzone L.
2. Accessory Use (accessory to a permitted use):
DLNR Title 13, Chapter 2, Section _____; Subzone _____.
3. Occasional Use: Subzone _____.
4. Temporary Variance: Subzone _____.
5. Conditional Use: Subzone _____.

I. Description of Parcel

General Description

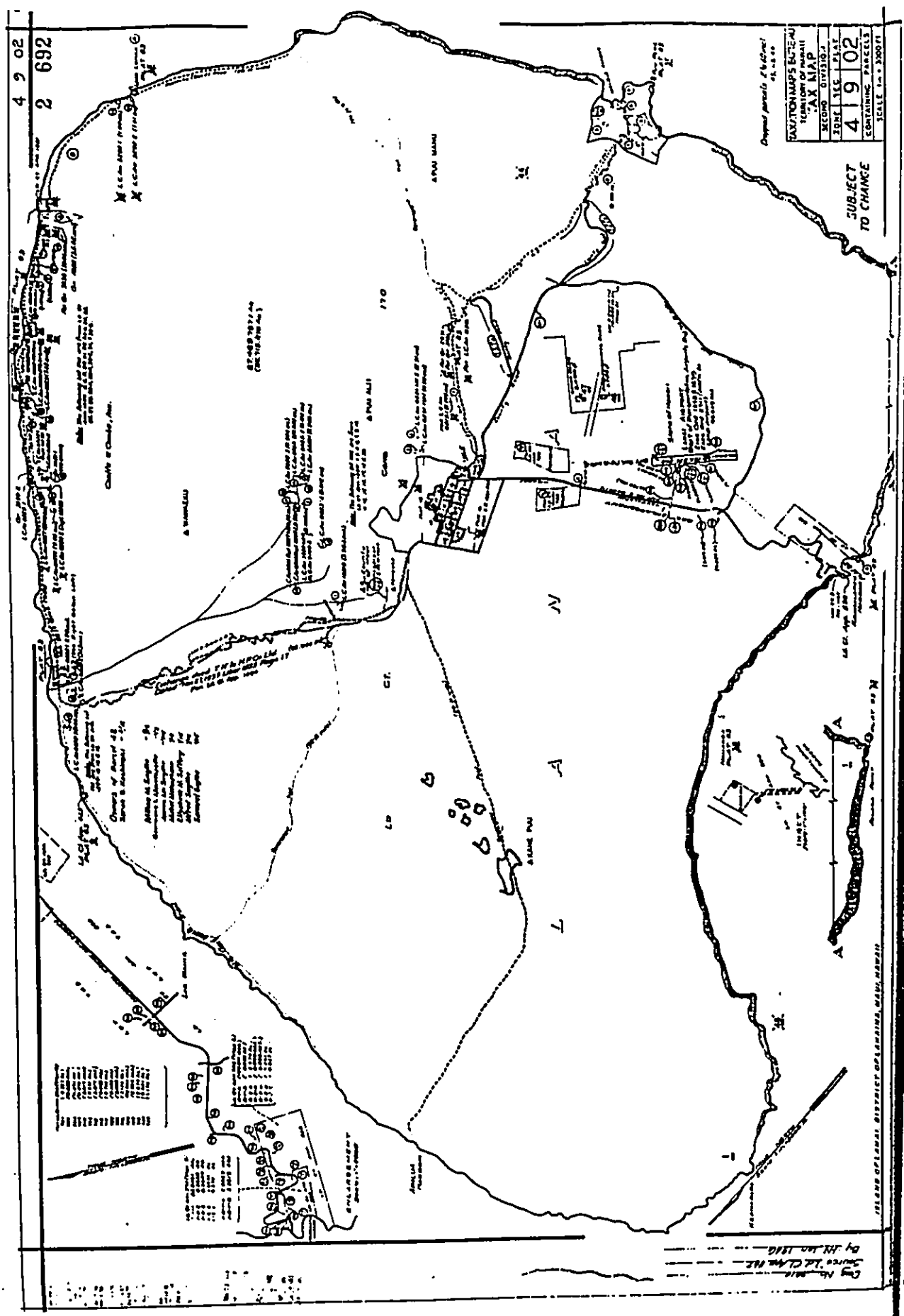
Kanepu'u Preserve occupies 563 acres encompassing 7 remnant stands of native forest within the 38,508-acre TMK #4-9-02-01 (Map 2). The Nature Conservancy manages the 563-acre preserve under a Conservation Easement with the landowner, Castle and Cooke, Incorporated (agreement letter and extension of agreement attached). The unit farthest north and east is known as the Mahana unit (Map 1). This is the site chosen to install the radio repeater.

- A. Existing structures/Use: There are no existing structures now. The site was used as range land by the owner. The site is now managed under a signed conservation easement as a nature preserve.
- B. Existing Utilities: There are no existing utilities.
- C. Existing access: The Mahana unit is intersected by an unnamed government-owned 10 ft. wide single lane dirt road. This road is accessed from Keomuku Road, a 50 ft. wide paved road owned by the government (Map 1).
- D. Vegetation: The affected unit of the nature preserve, the Mahana unit, contains clumps of native dry forest communities comprised mainly of the trees olopua (Nestegis sandwicensis) and lama (Diospyros sandwicensis). Along the southern boundary of the unit is a thick clump of the non-native ironwood trees (Casurina species). Much of the area contains non-native grasses and shrubs.
- E. Topography: (Map 1)
- F. Shoreline: Not Applicable.
- G. Existing covenants, easements, restrictions: The Preserve is owned by Castle & Cooke/Lanai Company, but managed under a perpetual Conservation easement. No other covenants, easements or restrictions exist.
- H. Historic sites affected: There are no known historic or archaeological sites in the area.

- II. Description: The Lanai radio repeater system is needed by the Conservancy for emergency communications on Lanai as well as the rest of the Conservancy state wide. The system is self powered and includes a repeater, solar panels, batteries, and antenna (Figure 1). The repeater and batteries will be contained in a metal box and along with the other components of the system will be mounted on a 3 inch metal pipe. A single hole will be dug to mount the pipe into the ground. A concrete footing of not more than 1/4 cubic yard will be used to secure the pipe in the hole. The repeater system will be installed within a clump of non-native trees. This site will not impact the native species of the area and will also keep the repeater out of sight. The system will require about 25 square feet of open ground. This open ground area must be maintained for optimal function by the repeater system. A regular maintenance schedule will be developed to keep the area clear of brush.

DOCUMENT CAPTURED AS RECEIVED

MAP 2



FROM: REOI REALTY ATLAS, 1990.
(REDI REAL ESTATE INFORMATION SERVICE,
FT. LAUDERDALE, FL.)

DOCUMENT CAPTURED AS RECEIVED

CREDI REAL ESTATE INFORMATION SERVICE, FT LAUDERDALE, FL

Table with columns: LAND-VALUE-LY, IMPR VALUE-LY, TOT RNS BDRS BATHS. Rows include values like 6221,180LV, 6152,500LV, 623,600LV, etc.

Main table with columns: TAX KEY, OWNER/LESSOR NAME, LAND USE, ZONING, CEN TRCT, INST, DOCUMENT DATE, AMOUNT, SQ FT/ACRES, LAND-VALUE-LY, IMPR VALUE-LY. Rows include property details for various owners like CASTLE & COOKE INC, FERNANDEZ DON ANTHONY, etc.

Table with columns: TAX KEY, OWNER/LESSOR NAME, LESSEE NAME, ADDRESS, MAILING ADDRESS, PROPERTY LOCATION, CONDOMINIUM NAME. Rows include property details for owners like KEPAK JULIA, KAIHEHAHE MAGGIE, etc.

THE
NATURE
CONSERVANCY
OF HAWAII



LETTER ESTABLISHING CONSERVATION EASEMENT

• 116 SMITH STREET • SUITE 201 • HONOLULU, HAWAII • 96813 • (808) 537-6500 •

April 13, 1990

Castle & Cooke, Inc.
650 Iwilei Road
Honolulu, Hawaii 96803
Attn:

Re: Kanepuu, Lanai -- Conservation Easement

Dear Castle & Cooke, Inc.:

This letter represents the agreement of Castle & Cooke, Inc., and The Nature Conservancy, to execute, acknowledge, and file with the Land Court of the State of Hawaii, a Grant of Conservation Easement in the form attached to this letter as Exhibit A, when the following conditions have been met:

1. The Conservancy shall have obtained, at its sole cost, a survey description or other map of the Easement Area, as described in the Grant of Conservation Easement and shown generally on the preliminary map attached to this letter as Exhibit B, affecting Lot 9, Tax Map Key 4-9-02-01 por., Map 1 of Land Court Consolidation 170, Owner's Transfer Certificate of Title 324345 issued to Castle & Cooke, Inc., acceptable for filing in Land Court. The acreage of the Easement Area is currently estimated to be 590 acres; the Conservancy shall obtain the final acreage figure with the final map, and such final acreage figure shall be inserted into the final form of Grant of Conservation Easement, as well as the Land Court Map information, prior to final execution of the Conservation Easement.

2. The Conservancy shall have obtained, at its sole cost, evidence from the Land Use and Codes Administration ("LUCA") administrator of Maui County or other appropriate entity that the Grant of Conservation Easement is exempt from subdivision requirements of Maui County, or, in the alternative, that the Conservancy has properly designated the Easement Area in compliance with subdivision ordinances and such designation has been approved by the LUCA administrator.

3. The Land Court shall have approved a petition designating the Easement Area on a Land Court Map and shall be prepared to accept the filing in Land Court of the Grant of Conservation Easement.

4. The Conservancy shall have obtained a title commitment for the Property, as defined in the Conservation Easement, and, based on such title commitment, shall be satisfied with the title

Samuel A. Cooke, Chairman
William E. Aull
Peter D. Baskin
Kenneth F. Brown
Zola W. Brown, Jr.

Robert F. Clarke
David C. Cole
Herbert C. Cornuelle
Gerald M. Czarnycki
G. S. H. H.

David A. Hyman
Kenneth V. Kamsling
Edward K. Langford, ex officio
Frank J. Marshall
1000 11/1/90

Marguerite M. Pata
Charles J. Patach, Jr.
Diane J. Potts
H. M. Aloha Roberts
1/1/90

Edward D. Sullivan, Jr.
Laura L. Thompson
Lorraine Vogel
John N. Watson

Castle & Cooke, Inc.
April 13, 1990
Page 2

to the Easement Area. The Conservancy shall submit to Castle & Cooke, Inc., any objections to title, and Castle & Cooke, Inc. shall use reasonable efforts to remove any exceptions reasonably objected to by the Conservancy. If Castle & Cooke, Inc. is unable or unwilling to remove any such exceptions, the Conservancy may elect in its discretion to waive this condition and take title to the Grant of Conservation Easement subject to such exceptions.

5. The Conservancy shall have access to the Easement Area to inspect the condition of such property, and, based on such inspection, shall be satisfied that the Easement Area shall not contain any hazardous or toxic waste or material. In this regard, Castle & Cooke, Inc. hereby represents and warrants that, to the best of its knowledge, the Easement Area does not contain any hazardous or toxic waste or material.

6. All of the above conditions shall have been satisfied no later than one year from the date of this letter.

The Conservancy shall not be obligated to accept the Grant of Conservation Easement if it determines the above conditions cannot be met or the Conservancy is unwilling to meet them due to expense or other reasons. Upon the Conservancy's request, Castle & Cooke, Inc. shall cooperate and execute any necessary and appropriate document for filing in the Land Court of the State of Hawaii in connection with such approvals, provided that Castle & Cooke, Inc. shall not be obligated to expend any funds to obtain such approval or required for improvements (such as roads, water system, utility systems, sewer systems, etc.) to secure such approvals, and the Conservancy may elect to construct at its sole cost or agree to a deferral of any required improvements. Castle & Cooke, Inc. has not taken and shall not knowingly take any actions which may interfere with the Conservancy's attempts hereunder and shall not take any actions on the Easement Area which are inconsistent with the rights to be granted to the Conservancy under the Grant of Conservation Easement.

Please evidence your agreement as to the foregoing matters by executing a copy of this letter in the space provided below and returning it to the undersigned.

THE NATURE CONSERVANCY
a District of Columbia
non-profit corporation

By Th. C. Leppert
Its Vice President

CASTLE & COOKE, INC.
a Hawaii corporation

By Thomas C. Leppert
THOMAS C. LEPPERT
Its VICE PRESIDENT

THE
NATURE
CONSERVANCY
OF HAWAII



LETTER EXTENDING FINALIZATION OF
CONSERVATION EASEMENT

• 1116 SMITH STREET • SUITE 201 • HONOLULU, HAWAII • 96817 • TEL: (808) 537-4308 • FAX: (808) 545-2019

August 29, 1991

Mr. George W.Y. Yim
President
Castle & Cooke Land Company
P.O. Box 2990
Honolulu, Hawaii 96802

Re: Kanepuu Conservation Easement

Dear George:

I enclose a revised draft of the Kanepuu conservation easement reflecting the changes you submitted in your letter of August 5, except as follows:

1. I have not yet included the new Section IX regarding the changed conditions language from the Treasury Regulations. I spoke with Kevin Shaney today to go over some issues that the language raises, and he wants to review the language and the regulations. I will work on this with him next week and we can put the appropriate provisions in the conservation easement when we finish that discussion.

2. Section XI.A., line 5, cross-references paragraph E rather than D.

3. I made a few wording changes in paragraphs XI.D. and E. to clarify them for us. We are in agreement with your additions in concept. Please let me know if you have any questions or problems with the new language.

It is my understanding that you will be preparing a short form of the conservation easement for filing with Land Court, and that the short form will grant TNC access to the Easement 1 area over the entire Lot.

We will want to try to have the subdivision exceptions removed from our title policy, so we'll appreciate any help you can give us with Title Guaranty on that subject.

Bill D. Mills, Chairman
Peter D. Baldwin
Kenneth F. Bowen
Zakie W. Burton, Jr.
Colin C. Cameron
Robert F. Clark

Daryl C. Cole
Samuel A. Cook
Herbert C. Cosmelle
Gerald M. Cosmes III
Walter A. Dosh, Jr.
Guy Fujimura

Michael E. Haig
Frank J. Hata
Stanley Hwang
Kenneth Y. Kawashita, ex officio
Libert K. Landgraf
Frank J. Manout

Marguerite M. Paly
Charles J. Pletsch, Jr.
C. Dudley Pratt, Jr.
H. M. Monty Richards
Joan E. Rolles
Orwald K. Stensler

William H. Stryker
Edward D. Sullivan, Jr.
Laura L. Thompson
Laurence Vogel
Jeffrey N. Wetland
Robert T. Wilson

International Headquarters, 1815 North Lynn Street, Arlington, Virginia 22209

Recycled Paper

Mr. George Yim
August 29, 1991
Page 2

Finally, I have enclosed a short agreement for Tom Leppert's signature extending the date for finalizing the conservation easement to October 31, 1991, since our last letter agreement set an August 30 date. This should be ample time for us to finalize the language and complete the filing of the map and short form. We are hoping we will be able to conclude this in September. Please let me know if you have any problems with this.

Sincerely,




Suzanne D. Case
Pacific and California
Regional Counsel

encl.
cc: Audrey Newman

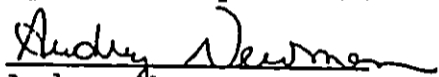
DOLE FOOD COMPANY, INC., a Hawaii corporation (formerly Castle & Cooke, Inc.), and THE NATURE CONSERVANCY, a District of Columbia non-profit corporation, hereby agree to extend to October 31, 1991, the date to execute, acknowledge and file with the Land Court of the State of Hawaii a grant of conservation easement for Kanepu'u, as set forth in the letter agreement between the parties dated April 13, 1990.

Dated this 29th day of August, 1991.

DOLE FOOD COMPANY, INC.
a Hawaii corporation

By 
~~Thomas C. Leppert~~ *Kevin R. Shanny*
Its ~~Vice President~~ *Assistant Secretary*

THE NATURE CONSERVANCY,
a District of Columbia
non-profit corporation

By 
Audrey Newman
Its Director of Protection

Area of Proposed Use 36 square feet
(Indicate in acres or sq. ft.)

Name & Distance of Nearest Town or Landmark
Lanai City, Lanai — 2 miles

Boundary Interpretation (If the area is within 40 feet of the boundary of the Conservation District, include map showing interpretation of the boundary by the State Land Use Commission).

Conservation District Subzone I
County General Plan Designation Conservation

V. FILING FEE

1. Enclose \$50.00. All fees shall be in the form of cash, certified or cashier's check, and payable to the State of Hawaii.
2. If use is commercial, as defined, submit additional public hearing fee of \$50.00.

INFORMATION REQUIRED FOR CONDITIONAL USE ONLY

- I. Plans: (All plans should include north arrow and graphic scale).
 - A. Area Plan: Area plan should include but not be limited to relationship of proposed uses to existing and future uses in abutting parcels; identification of major existing facilities; names and addresses of adjacent property owners.
 - B. Site Plan: Site plan (maps) should include, but not be limited to, dimensions and shape of lot; metes and bounds, including easements and their use; existing features, including vegetation, water area, roads, and utilities.
 - C. Construction Plan: Construction plans should include, but not be limited to, existing and proposed changes in contours; all buildings and structures with indicated use and critical dimensions (including floor plans); open space and recreation areas; landscaping, including buffers; roadways, including widths; offstreet parking area; existing and proposed drainage; proposed utilities and other improvements; revegetation plans; drainage plans including erosion sedimentation controls; and grading, trenching, filling, dredging or soil disposal.
 - D. Maintenance Plans: For all uses involving power transmission, fuel lines, drainage systems, unmanned communication facilities and roadways not maintained by a public agency, plans for maintenance shall be included.
 - E. Management Plans: For any appropriate use of animal, plant, or mineral resources, management plans are required.
 - F. Historic or Archaeological Site Plan: Where there exists historic or archaeological sites on the State or Federal Register, a plan must be submitted including a survey of the site(s); significant features; protection, salvage, or restoration plans.
- II. Subzone Objective: Demonstrate that the intended use is consistent with the objective of the subject Conservation District Subzone (as stated in Title 13, Chapter 2).

CONSERVATION DISTRICT USE APPLICATION

- I. All persons must submit an application and have it approved prior to the initiation of any new, change in existing, or, expansion of land use within the Conservation District, except as provided in Subchapter 13-2-4 of the Department of Land and Natural Resources Administrative Rules. If a properly submitted application is not acted on within one hundred and eighty (180) days, the landowner may automatically put the land to the use(s) proposed. This is the normal processing time.

All applications must be signed by the landowner prior to submission to the Department of Land and Natural Resources. No application shall be considered submitted when the information required in the application is incomplete.

All applications are subject to the State and Federal environmental requirements. Any requirement must be satisfied prior to Board approval. The Administrative Rules relating to the environment may be obtained at the Office of Environmental Quality Control. For information, call 548-6915.

All applications are subject to County Special Management Area requirements. Any requirement must be satisfied from your County prior to Board action.

A public hearing is required for: 1) all commercial uses; 2) for any conditional use in the P Subzone; or 3) subdivision, or 4) any use which the Board determines is of substantial public interest.

Complete the application in the following manner:

1. For permitted, accessory, occasional use, or temporary variance, complete pages 1-3 only;
2. For conditional use, complete pages 1-4.

All correspondence will be directed to the applicant. Submit eighteen (18) copies of the completed application and all attachments. Reduce or fold attachments to 8 1/2" x 11". Mail application and attachments, to: Department of Land and Natural Resources, P.O. Box 621, Honolulu, Hawaii 96809. For information call 548-7519.

JOHN WAINHEE
GOVERNOR OF HAWAII



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

WILLIAM W. PATY, CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES

LIBERT K. LANDGRAF
DEPUTY

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

DOC.: 3046E

APPLICANT'S CHECKLIST
CONSERVATION DISTRICT USE APPLICATION
(CDUA)

- /✓ Eighteen (18) Copies of the CDUA
- /✓ \$50 Filing Fee
- / / \$50 Public Hearing Fee *n/a*
- / / Shoreline Management Act Permit (From County Planning Agency) *n/a*
- /✓ Tax Map Key(s) Determined
- /✓ Conservation District Sub-Zone Determined
- /✓ Landownership Determined
- / / Agent Established
- /✓ Applicant Has Signed the CDUA
- /✓ Applicant Has Provided a Division Map
- /✓ Applicant Has Provided a Zone Map
- /✓ Applicant Has Provided a Section Map
- /✓ Applicant Has Provided a Plat Map
- /✓ Applicant Has Provided a Parcel Map
- /✓ Applicant Has Provided Project Plans
- / / Applicant Has Provided Project Photographs *n/a*
- / / Applicant Has Provided Eighteen (18) Copies of the *n/a*
Environmental Assessment
- / / Applicant Has Provided Eighteen (18) Copies of the *n/a*
Environmental Impact Statement
- /✓ Applicant has Filed a Previous CDUA: Yes
- / / Other

DOCUMENT FOR PUBLICATION IN THE OEQC BULLETIN

Date: 10/11/91

Prepared by: Heidi Bornhorst

The document is a (check all that apply)

Chapter 205A Document	()	Negative Declaration	(X)
Chapter 343 Document	()	EIS Preparation Notice	()
NEPA Document	()	Draft EIS	()
		Final EIS	()
		Acceptance Notice	()

Is the document a supplemental EIS? Yes () No (X)

Title of Proposed Action or Project: Installation of a radio repeater for emergency communication.

Location: Island Lanai District _____

Type of Action (check one): Applicant (X) Agency ()

Name of Proposing Applicant or Agency: The Nature Conservancy of Hawaii

Name of Contact: Heidi Bornhorst

Address: 1116 Smith St., Suite 201

City: Honolulu State: HI Zip Code: 96817

Phone: (808) 537-4508

Name of Preparer or Consultant: _____

Name of Contact: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Phone: (_____) _____

Accepting Authority: Department of Land and Natural Resources

Estimated Project Cost:

Federal Funds	\$ _____
State Funds	\$ _____
County Funds	\$ _____
Private Funds	\$ <u>3,300.00</u>
TOTAL	\$ _____

Document Preparation Cost:

Neg Dec/EA	\$ _____
Draft EIS	\$ _____
Sup Draft EIS	\$ _____
Sup Final EIS	\$ _____
TOTAL	\$ _____

EA Trigger (check all that apply)

- () Use of State or County Lands or Funds
- (X) Use of Conservation District Lands
- () Use of Shoreline Setback Area
- () Use of Historic Site or District
- () Use of Lands in the Waikiki Special District
- () Use Requiring an Amendment to a County General Plan

NOTE: For answers to any question on Page 10 or 11, please contact the Office of Environmental Quality Control at (808) 548-6915.

[OEQC Form 89-01 (1/89)
Page 1 of 2]

- () Use Requiring the Reclassification of Conservation Lands
- () Construction or Modification of Helicopter Facilities
- () Other _____

Brief Description of the Proposed Action or Project which will be Published in the OEQC Bulletin (limit of 500 words or less):

The radio repeater is needed by Nature Conservancy staff for emergency communication while working in Conservancy Preserves. The repeater will be constructed on a 5'x5' site and will consist of one post hole. The site is located among non-native ironwood trees, which will screen the repeater from view. No native plants will be affected by the repeater installation.

(Continue on another sheet if necessary)

Tax Map Key(s): 4-9-02-01

FOR OEQC USE ONLY

Date of Submission:
Date of Publication:
Last Day for Consulted Party Request:
Comment Period Ends:
Acceptance Date:
Publication Date of Acceptance:

OEQC # _____
Planner: _____