

STATE OF HAWAII RECEIVE DEPARTMENT OF LAND AND NATURAL RESOURCES P. 0. BOX 421 HONOLULU, HAWAII 96809

'91 DEC 24 A9:34

OFC. OF ENVIRONMENT OUALITY CONTENT WILLIAM W. PATY, CHAIRPERSON BOARD OF LAND AND NATURAL RESOURCES

DEPUTIES

MANABU TAGOMOR: Dan T. Kochi aduaculture development program Aduatic resources conservation and environmental affairs conservation and resources enforcement conveyances forestry and wildlife historic preservation program land management state parks water and land development

FILE NO.: LA-11/14/91-2535 DOC. NO.: 2278E

#### DEC 23 1991

MEMORANDUM

JOHN WAIHEE

DOVERNOR OF HAWAII

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

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

SUBJECT: Document for Publication in the OEQC Bulletin Environmental Assessment for Conservation District Use Application LA-2535 for Protective Fencing, Kanepuu Preserve, 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.

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1991-01-08-LA-FEA-Kanepu'u Mederice Fencing & Nature STATE OF HANAII DEPARIMENT OF LAND AND NATURAL RESOURCES P.O. DOX 621 HCHOLULU, IPWAII 96809 FILE COPY

Dear Applicant:

This is a Department of Land and Natural Resources <u>Master Application</u> 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:

1116	PERMIT
۸.	Use of State Lands, including Submerged State Lands for Any Purpose, and
в.	Conservation District Use Application for either Private or Public Lands (note below)
с.	λ 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
Е.	λ Well Drilling or Modification Permit Anywhere Within the State

#### INSTRUCTIONS

<u>All Applicants Are Required To Fill out Pages 1, 10, 11</u>. 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 <u>Conservation</u> <u>District Use Application</u>, 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.

STATE OF HAWAII DEPARTMENT OF LAND AND NATURAL RESO P. O. BOX 621 HONOLULU, HAWAII 96809 DEPARIMENT MASTER APPLICATION FOR		ES	FOR DLNR USE OF 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. <u>LANDOWNER/WATER SOURCE OWNER</u> (If State land, to be filled in by Government Agency in control of property) Dele toop Company Ja Name <u>Castle &amp; Cooke Land</u>		is landow	The Nature Con Hawati	nservancy of
Address P.O Box 2990			Honolulu, Hawa	
Honolulu, HI			96817	
- 96802-2290		Telephone	No. 537-4	4508
Telephone No. 548-6611		Interest i	n Property	
SIGNATURE By Tes Agent, Castle & Co Date U 99 Land Co	oke mpanj	(Indicate	vation Easemer interest in prop vidence of this	erty; submit
ł		*SIGNATURE	<u>Ild. ht. (</u>	Part
· · · · · · · · · · · · · · · · · · ·		Date	November 4	1991
<pre>III. <u>TYPE OF PERMIT(S) APPLYING FOR</u> ( ) A. State <u>Lands</u></pre>	,	Agency or	Corporation, Parl Organization, mu norized officer.	
(X) B. <u>Conservation District Use</u>	IV.	WELL OR LA	AND PARCEL LOCATI	ON REQUESTED
() C. Withdraw Water From A Ground	•	District		
Water Control Area		Island	Lanai	
( ) D. Supply Water From A Ground Water Control Area		County	Maui	
() E. <u>Well Drilling/Modification</u>		Tax Map Ke		
		Area of Pa	rcel	Pitt 600)
		Term (if 1	(Indicate in sq. ft.) ease)	acres or

- 1 -

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## MASTER APPLICATION FORM Rev. 2/89

#### 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 organization

- 2. Identification of approving agency, if applicable: N/A
- 3. Identification of agencies consulted in making assessment:

Lanai Company (Subsidiary of Castle and Cooke Land Co.) State Division of Forestry and Wildlife: Glenn Shishido, Maui County

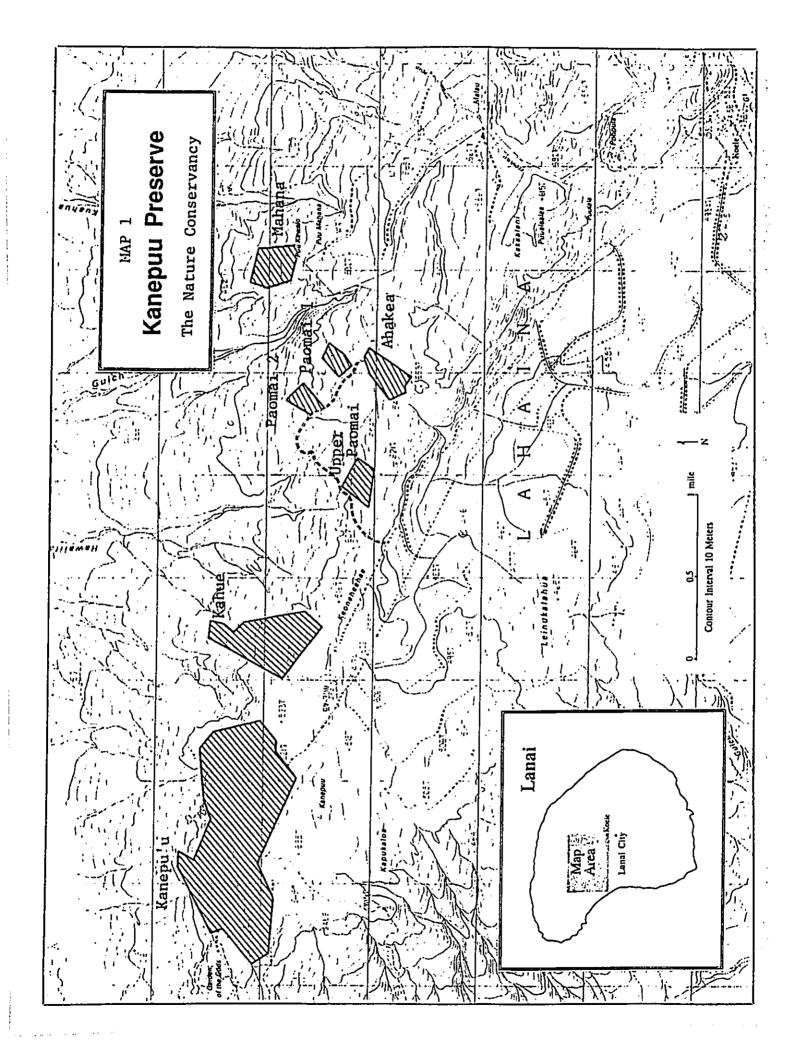
4. General description of the action's technical, economic, social, and environmental characteristics:

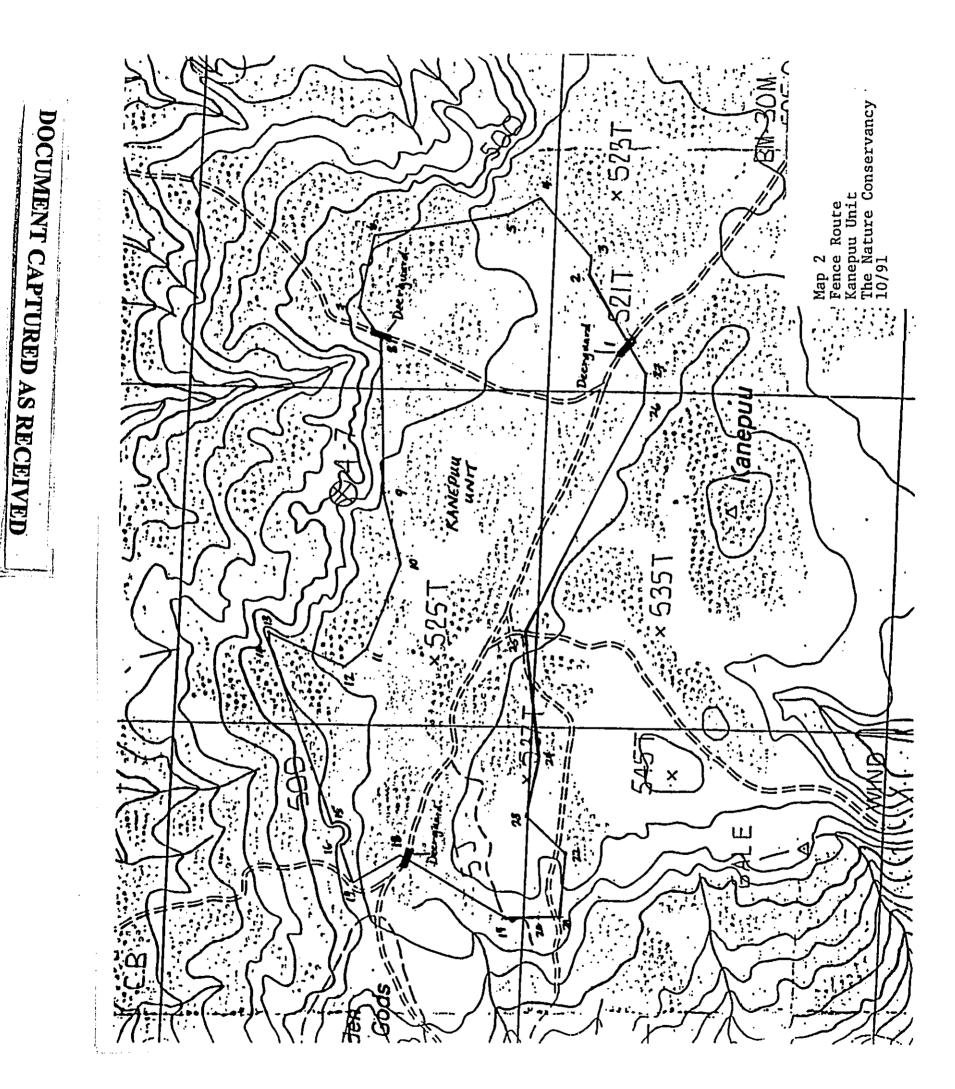
Kanepu'u Preserve consists of 563 acres in seven separate units (Map 1). A 6'6" tall, deer-proof fence will be built around patches of native forest to protect the vegetation from destruction by introduced deer, sheep and cattle. Protecting this vegetation will retain ground cover and reduce further soil erosion in the fenced area. Nine miles of fence will be built to surround the preserve's seven separate units, which range in size from 13 to 368 acres (Maps 2-6). The fence will be made of 13 strand high tensile wire, 2.5 mm in diameter. The fence will have a taut wire at its base to prevent deer from forcing their way under (Figure 1). Gates or deer guards will be installed to keep existing access roads open to the public.

The fence will prevent further erosion and protect significant natural resources at no cost to the taxpayer. It will be built with monies raised by The Nature Conservancy from private donors. Board and lodging on Lanai will be needed for the fence crew; no other economic impacts are expected. Social impacts of the fence will revolve around environmental education through public hikes, talks and news stories for Lanai residents and other visitors. The educational message will include why the native Hawaiian plants and animals protected by the fence are important. We will provide Lanai residents and other visitors with community volunteer opportunities to assist with management of the preserve's plants and animals.

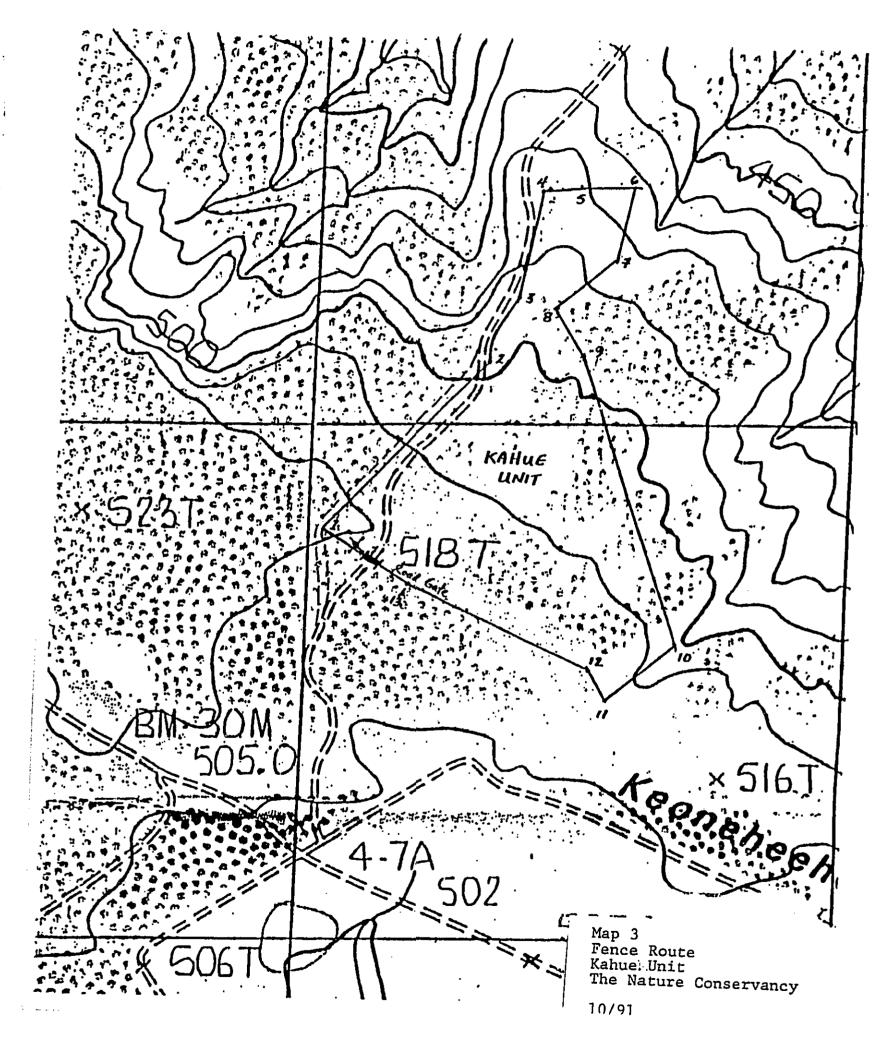
Environmental impacts of the fence will be positive, as erosion will be reduced and the rare dryland forests in the Kanepu'u area will be protected from grazing animals. Currently, alien axis deer are damaging the preserve area by overbrowsing, and causing soil erosion. Deer hide in the shelter of trees and shrubs in the preserve and kill the vegetation by browsing and rubbing their antlers on the plants. By fencing the preserve, the deer and other hoofed animals will be prevented from entering the preserve. This will protect the native vegetation and native animals and will help control erosion in the area.

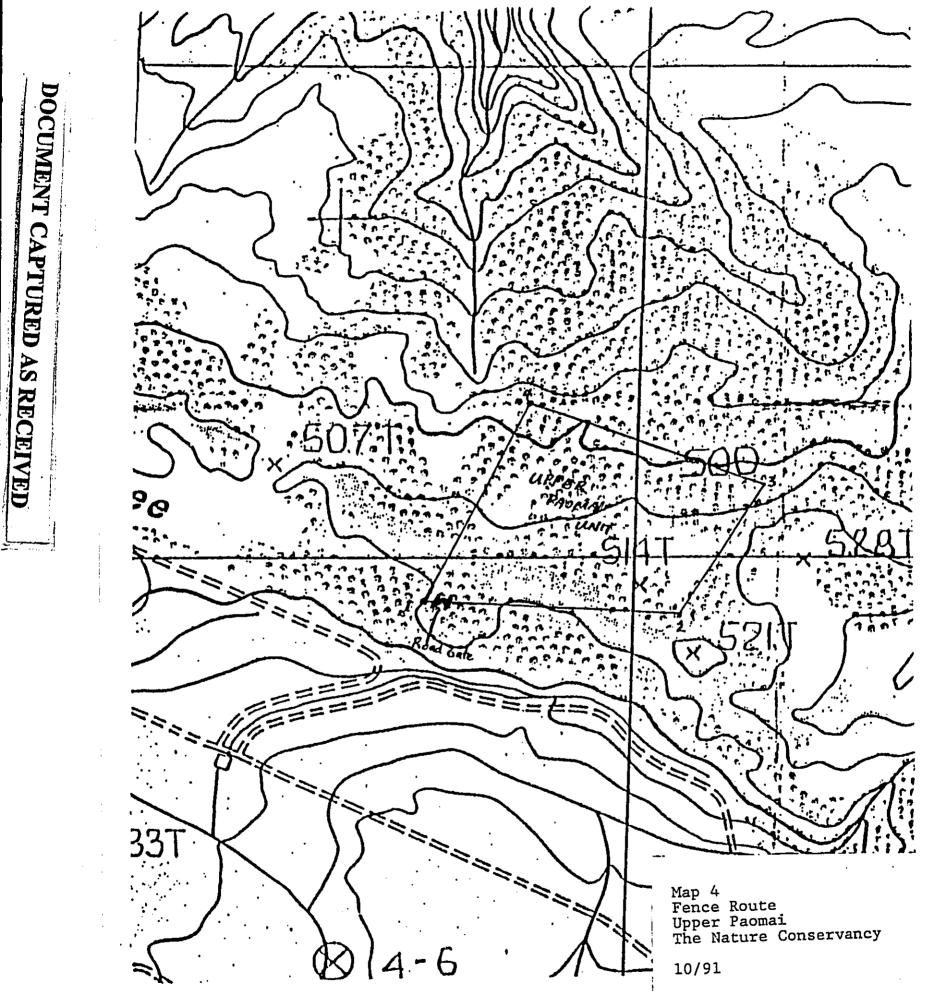




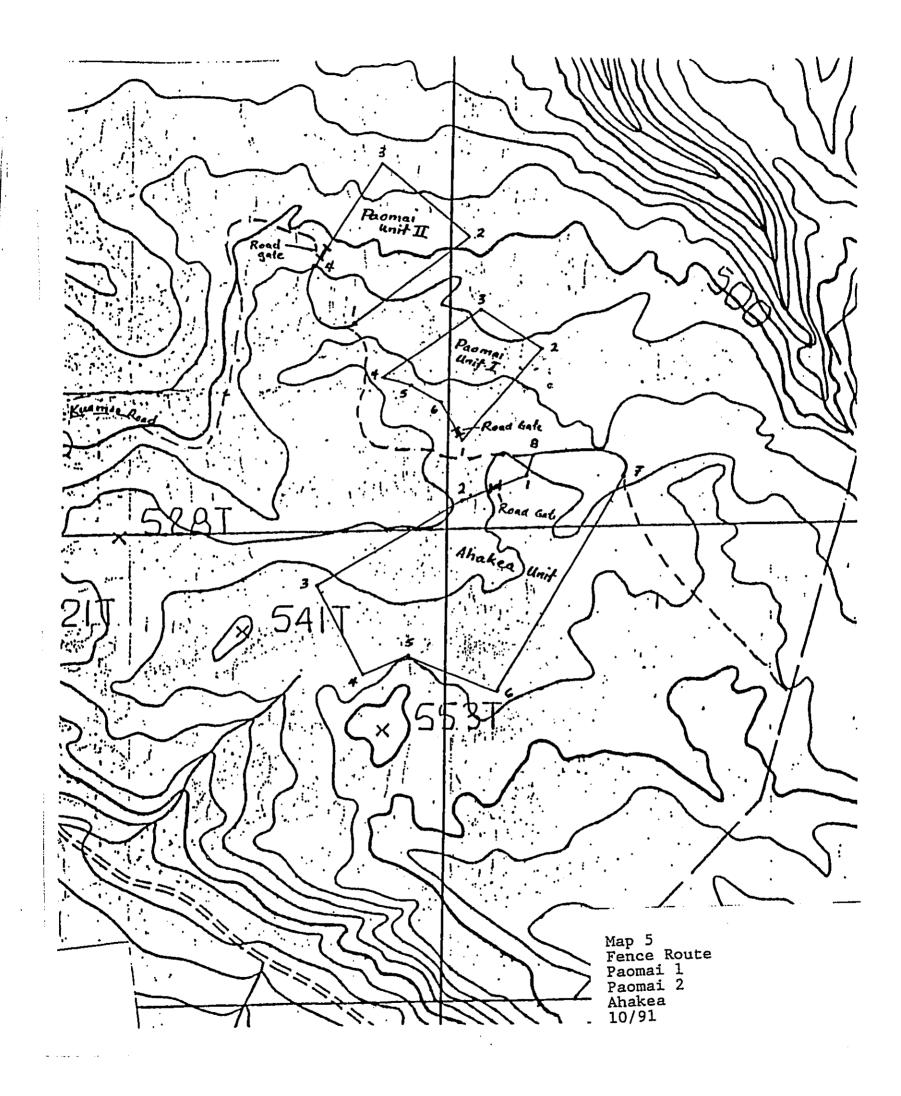




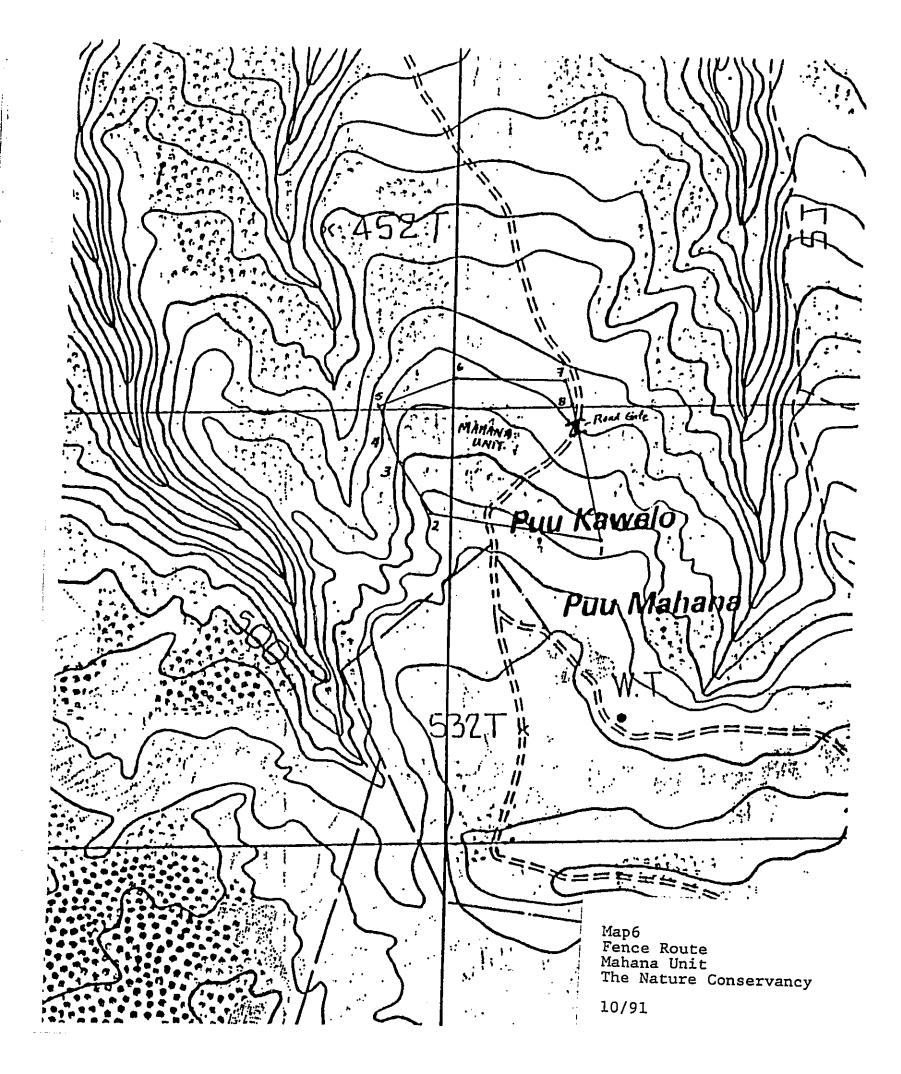


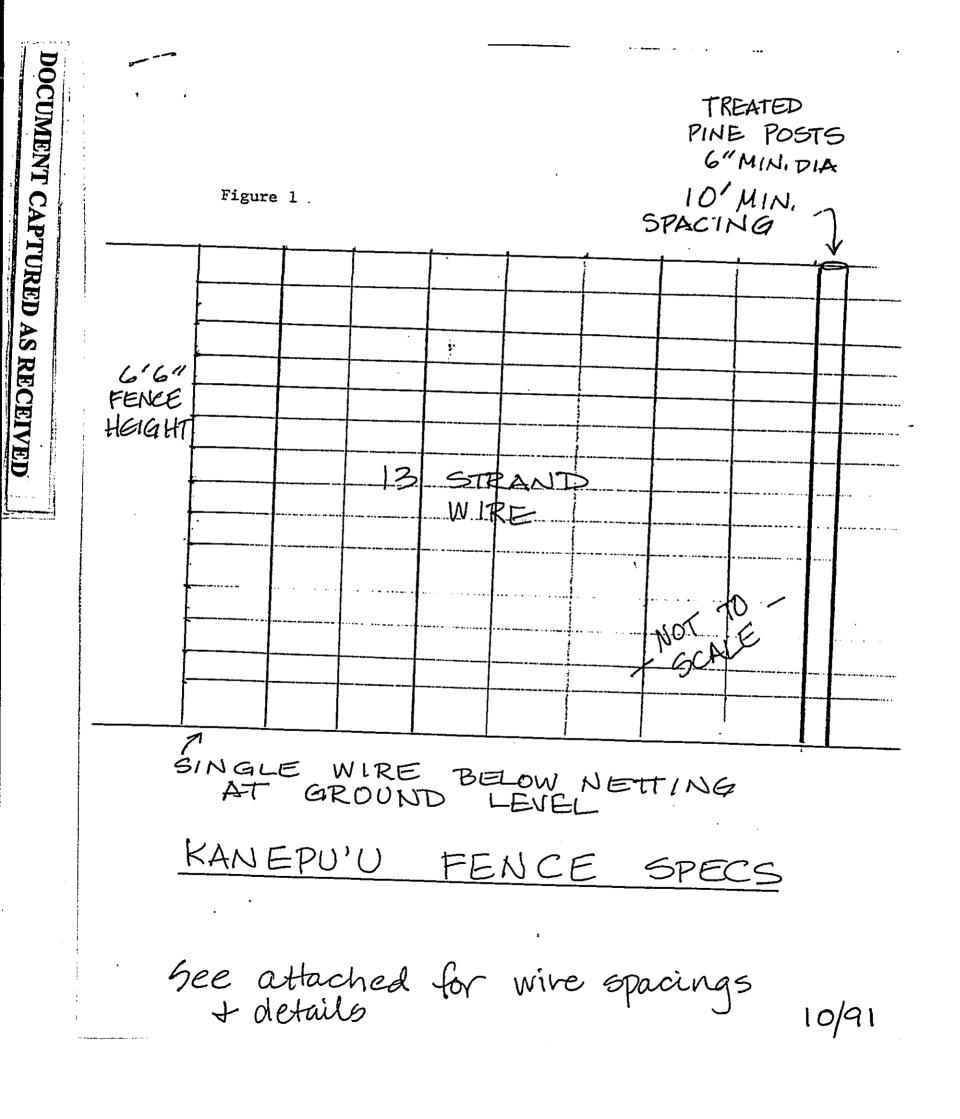












Hinimum Fence Haterials Specifications

Wire Netting

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1.

1...

13 Line Wire 2.5 mm diameter High Tensile (2.50 HT), Class 3 Extra Heavy zinc-galvanized steel wire

(12 1/2 gauge -- 0.098")

Spacing Nominal: 4 1/2" 4 1/2"

5" 5 1/2" 6 1/2" 7" Between last 8 wires

Space between vertical stay wires: 6"--2.50HT (medium Tensile) (12 1/2 gauge --0.098")

Single Wire -- below netting at ground level.

2.5mm (12 1/2 gauge) High Tensile zinc-galvanized Class 3 steel wire.

Deerguard dimensions and locations -width minimum of 10' -length minimum of 15' -height minimum 3 feet -strength of the deerguard needs to accommodate equipment up to \_\_\_\_\_ tons. -interior of deer guard must have drainage holes to the side. -fence abuts deer guards at entrance and runs along the side of entire lenght the deer guard.

Gate Dimension and locations. -single, swinging gate -height minimum of 6'6" -width mimimum of 10' -post on free side for stable locking

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Summary description of affected environment:

Kanepu'u Preserve encompasses the last remnants of a once-vast tropical dryland forest. The preserve is made of seven patches of remaining native forest that vary in their intactness and species composition. Several units include rare native plants including a native gardenia (na'u, Gardenia brighamii) and sandalwood ('iliahi, Santalum freycinetianum var. lanaiense). Bare soil surrounds much of the preserve. The fences will be built on bare dirt in many areas. In other areas, the largely nonnative vegetation will be minimally bladed along the fence line to make a flat bed to properly construct the fence. This bulldozed fenceline will also serve as a fire break.

Identification and summary of major impacts and alternatives considered: 6.

The fence will be 6'6" tall and total length will be nine miles enclosing seven separate units. The main impact of the fence will be to exclude deer, sheep and cattle from the native forest, which will maintain vegetation cover and reduce soil erosion. In addition, the fence will protect the native plants and animals that live in the forest. Native plants will regain lost foliage, and seedlings will regenerate. Game animals in the area will be excluded from the preserve.

Plants in the understory (including introduced weeds) are expected to expand once the browsing animals are excluded from the area. Weed and fire control programs will be undertaken by staff and volunteers of The Nature Conservancy (the Conservancy has a Memorandum of Understanding with the State Division of Forestry and Wildlife to cooperate on fire suppression in the area).

The fence will be visible from some of the 4-wheel drive roads in the area. Signs will be posted to advise people that the area is a nature preserve. Lanai residents will be informed of fence building through newspaper articles, interpretive programs through the local preservation group Hui Malama Pono o Lanai, and school presentations. Deer guards will be built to allow public access to the preserve.

Alternatives considered: Public hunting has not been effective enough to reduce grazing damage to native vegetation. Deer-repellent agents were investigated but they have only short term efficacy, and need frequent reapplication. The Nature Conservancy considered fencing just a portion of the units, but this would not effectively protect the remaining forest.

7. Proposed mitigation measures, if any:

> The Conservancy is developing a restoration plan for Kanepu'u. Native plants will be propagated (using stock from the preserve) and replanted in the preserve. This restoration will expand the diminishing native dryland forest in the area, and secure additional habitat for native plants and animals.

- Determination: 8.
- Findings and reasons supporting determination: 9.

5.

10. Agencies to be consulted in the preparation of the EIS, if applicable:

## VI. <u>Summary of Proposed Use:</u>

Nine miles of deer-proof fence will be built to protect the last remnants of a rare native ecosystem - Olopua/Lama Lowland Dry Forest. This forest, in turn, provides habitat for native and rare plants and animals. Protection and restoration of this vegetation will also reduce soil erosion. The preserve will be used for educational hikes to teach the public about Hawaii's native forests, plants and animals. Volunteer opportunities will be available to Lanai residents and visitors to the island.

# INFORMATION REQUIRED FOR ALL USES

- I. <u>Description of Parcel</u> 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 sewarage).
  - 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. <u>Description</u>: Describe the activity proposed, its purpose and all operations to be conducted. (Use additional sheets as necessary).

			2/92
III.	Commencement	Date:	

Completion Date: 2/93

- IV. <u>TYPE OF USE REQUESTED</u> (Mark where appropriate) (Please refer to Title 13, Chapter 2)
  - Permitted Use (exception occasional use); DLNR Title 13, Chapter 2, Section <u>12</u>; Subzone <u>L</u>.
  - Accessory Use (accessory to a permitted use): DLNR Title 13, Chapter 2, Section \_\_\_\_; Subzone \_\_\_\_.
  - 3. Occasional Use: Subzone \_\_\_\_\_.
  - Temporary Variance: Subzone \_\_\_\_\_.
  - 5. Conditional Use: Subzone \_\_\_\_\_.

- 3 -

### I. Description of Parcel:

## General Description

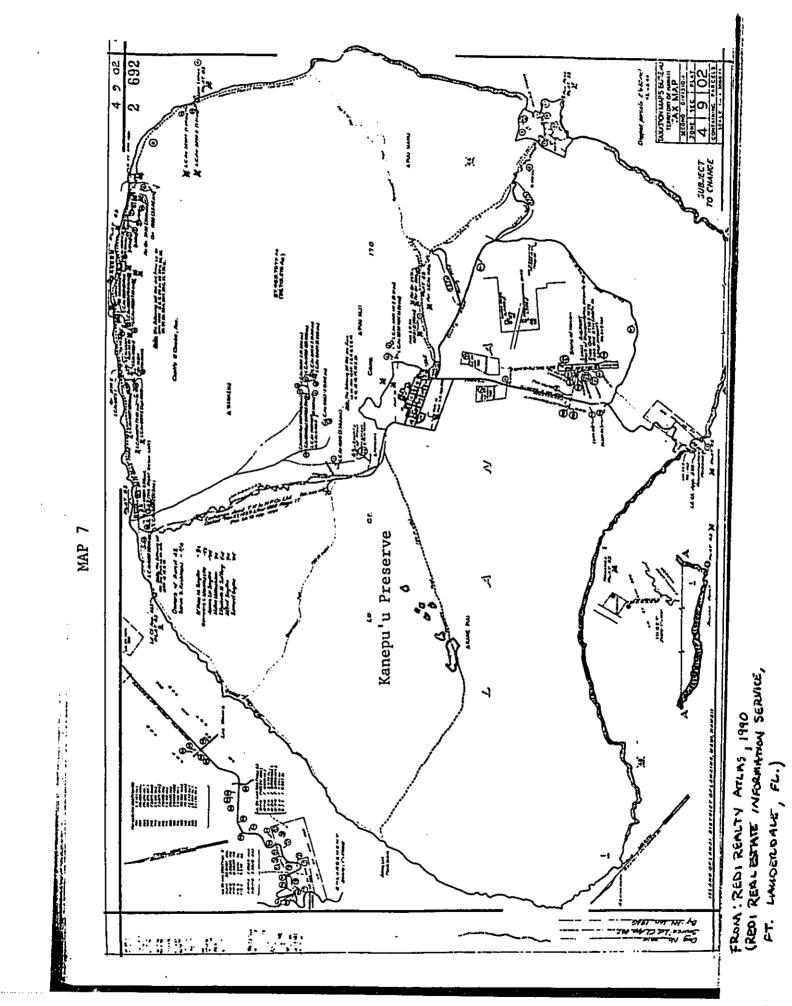
Kanepu'<sup> $\mu$ </sup> Preserve occupies 563 acres encompassing 7 remnant stands of native forest within the 38,508-acre TMK #4-9-02-01 (Map 7). The Nature Conservancy manages the 563-acre preserve under a Conservation Easement with the landowner, Castle and Cooke, Incorporated (agreement letter and extension of agreement attached). A. Existing Structures/Use: The only existing structures/

- A. Existing Structures/Use: The only existing structures are fences around portions of the Kahue, Ahakea, and Kanepu'u units which were built by the Hui and other volunteers, before the preserve was established.
- B. Existing Utilities: There are no existing utilities in the Kanepu'u Preserve.
- C. Existing access: The 50 ft. wide Kaa-Lana'i City road serves as a major thoroughfare from Lana'i City to the northern parts of the Island. This government-owned dirt road intersects the Kanepu'u unit and is graded and well maintained. The 20 ft. wide Lapaiki dirt road, owned by the Lanai Company, branches off from the Kaa-Lana'i City road within the Kanepu'u unit. Twenty foot wide government-owned Kahue Road is dirt, and branches off from the Kaa-Lana'i City road. Kahue road intersects the northwestern edge of Kahue unit. Ten foot wide Kuamo'o Road is a single lane dirt road owned by the government that provides access to the three Paomai and the Ahakea units. The Kuamo'o road also has a low quality 10 ft. wide dirt spur road that parallels the southern boundary of Upper Paomai unit. Kuamo'o road does not enter any of these units. Finally, 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.
- . Vegetation: The preserve's vegetation consists of two natural communities: the rare native Olopua/Lama Lowland Dry Forest and an Alien- (species) dominated Shrubland. The vegetation is a mixture of rare native Hawaiian plants including: olopua, or Hawaiian Olive, Nestegis sandwicensis; lama, or Hawaiian ebony, Diospyros sandwicensis; na'u, or Hawaiian gardenia, Gardenia brighamii; 'iliahi or sandalwood, Santalum freycinetianum var. lanaiense; naio, or false sandalwood, Myoporum sandwicense; Bonamia menziesii; 'ahakea, Bobea sandwicensis; ala'a, Pouteria sandwicesis; 'ohi'a lehua, Metrosideros polymorpha; ma'o hau hele, Hibiscus brackenridgei; and aiea, Nothocestrum latifolium. Alien plants include: Christmas berry, Schinus terebinthifolius; and Lantana, Lantana camara.

Alien grasses such as molasses grass (Melinus minutiflora), and Dallis grass (Paspalum dilatatum) make up some of the ground cover. There are also introduced plants that were planted as windbreaks in and near the preserve: Eucalyptus robusta, agave, and Araucaria heterophylla. Much of the preserve is bare, red soil denuded of vegetation by grazing and eroded by the dry, windy conditions of the site.

E. Topography: The topography is generally flat and gently rolling, with some small steep slopes that have occurred from severe erosion.

D.



DOCUMENT CAPTURED AS RECEIVED

# FROM . REDI REALTY DIRECTORY OF THE STATE OF HAWAII, 1990.

LEED, REAL ESTATE INFORMATION SERVICE, IT. LANDERDALE, FL.)

IAN KEY OWNER/LESSON KAME WPR LISSEE NAME APT.NO ACOMESSEE AMA MAILIAG ADDRESS # POPERTY LOCALION	L ZONING CEN TRET INST DOCU D TNEY E AREA IN SOFT		LAND-VALUE-LY IAPR VALUE-IY IOT ANS BORNS BAINS	APT.MO ANNEGERT Same
- CONCORDETION HINE 	110 P117-100 F	3.68-4C	\$155.468.4 \$155.468.4 \$74,488.7	CONDONINIUM NAME
4-7- 1- 24 CASTLE & CODEL INC CCGANIC PADRATIES INC P & DOX 2780 HOROLULU NI SCHOS	688 P117-688 F	8.86-65	\$8,913LY	LARAS CITY ME 46763 4-9- J- 12 KUMETRADE MASBIE LARAS CITY ME 96763
N-9- 1- 25 CISILE B COOSE THC OCCANIC PROPERTIES INC P 0 BOX 2789 HOROLULY NI YEARS	080 P131-800 F	5.68-20	\$188LY	4-9- J- 13 TEPAA JULIA /EFAL ELIMETHAOLE MAEDIE LARIA CATY LARIA CATY MI 46743
4-9- 1- 26 FERNANDEZ DON ANTHONY /ETAL PO BOX 0 LANAT EITY NI 96763	188 P211-108 F	25,142-SF	171:516V	4-9- 5- 14 KINT FEONT RAUMERAOLE MAGGIE LANAI CITY LANAI CITY MI 96763
4-9- 1- 26 FERMANDEZ DANN U Pô sui 237 Kula XI 96798	180 PETT-108 F	21,142-16	111;91hV	4-9- J- 15 APJUT RAUMANE ESTATE LEE DORDINT T PO BOR ALLAT FATEBARTS AK VY766
9-9- 1- 27 CASILE & COME THC OCCARIC PHOPSHILES INC P & BOX 2788 MCHOLULU MI 96383	188 P211-188 F .	\$8,152-5F	\$158,500,¥ \$31,488)¥	4-9- 3- 35 RATINENS RODERI N 625-6 KUNANA LARE HOROLULU MI 96817
4-9- 1- 29 LANT KAPL ELIAS /ETAL PO BOX 175 LANAI CITY HI 96763	140 PITT-148 F 1331465		*114;20BLY	4-9- 3- 16 KACPUIRI DAWIEL JR P D BOR 483 LANAI CITY HI 96763
4-9- 1- 38 CASTLE & COOLE INC DCEARIC PROPERTIES INC P 0 BOX 2788 HOROLULU MI 46803	100 PETT-100 F 1- 1641-F 2- 472-F 328-0	24,386-SF 184-0 DWELLING 1.8-S COTTASE 1.8-S	2-1 1.00	4-9- 3- 37 WALSWORTH CLYDE L 1358 ALA MOAXA 8988 MOROLULU WE 74814
4-9- 1- 31 MORDY RUTH & TRUS" #0 80X 723 LAMAE CITY HI 96763	100 PITT-102 F 1- 1605-F 107-C	25,814-5F 558-0 DWELLING 1.8-5	\$185,368,V \$28,168,V \$-T 1.58	4-9- 3- 17 KAOPUIRI SANUEL/ELAIME PO ROX 1081 LARAI CITY MI 96763 4-9- 3- 17 MGRAM AMEELINE
4-9- 1- 32 BLACK ANDERSON DUAME /ETAL PO BOX 745 LANAI CITY XI 94763	188 PITT-108 F 1- 1434-F 548-6 2- 952-F	64,908-5F 169-0 DWELLING 1.8-5 CD714EE 66-YR 1.8-5	1238.780.V 378.780.V 2.8	387 DECATÚR RÓ JACISONVILLE NC 28543
4-9- 1- 33 SPIEKER POBENT C /EIAL P O BUX BII LAMAE CITY NI 46763	188 PITT-188 F 1419257 1- 1584-F 558-8	21/86 \$181,008 24,149-5F DHELLING 1.8-8	\$76.600LV \$18,6601V \$-T L.80	PO 90% 772 PUCHENE NJ 96754
4-9- 1- 34 STEIDL JOHN RICHARD /ETAL HIMIRINAI LANAL CITY HI 96763	178 P177-108 F 1289859 1- 2773-F 584-6	12/03 \$30,000 15,784-5F 676-0 DHELLING 73-YR 2.0-5	4-1 \$150,600,V 2.50	LEE BORDINT Y D 022 61107 FAITBANES AF 97106 4-9- 3- 17 NACUA ERKESTWINE
4-9- 2- 1 CASILE & COOKE INC OCEANIC PROPERTIES INC P 0 NOX 2780 HOMOLULU X1 96382	188 PITT-188 F	5.11-4C	\$16.10PLV \$15.5081V	PG 60% 772 PULINEKE HI 96784 9-9- 3- 18 KAGPUTKI SOLORON /ETAL
4-9- 2- 1 CASILE & COOKE INC DCEANIC PROPERIES INC P 0 BOX 2280 HORDULUU NI 96885	488 PIT1-488 F	3.49-4C	\$7,48K.Y	0 001 792 LANAI CITY NI 76765 9-9- 3- 19 KADPUIRT ELSIE S /ETAL RADPUIRT DANIEL UN ETAL
4-9- 2- 1 CASILE & COOKE INC OCTANIC PROPERTIES INC P. 0 NOX 7283	500 P117-500 F	47436.28-AC	\$6,898,28N.Y	LANAI CLIY HI 96763
HOROCULU" HI 94483 4-9- 2- 1 CASILE & COOKE INC OCEANIC PROFENIES INC P 0 ROX 2708 MOROCULU HI 944883	688 P211-688 F	58508.VS-AC	\$195,201LY	LARAS CITY HI 96763
HORDLULU HI 94885 4-9- 2- 1 CASTLE & COOKE INC DCEMIC PROPERTIES INC P.0.802.2748	888 PITT-808 F	785.54-AC	\$1,471,838.4	9-9- 3- 28 APIES MOONULI LEE DORGINY T P0 80% 4(197) Fairbakks Ak 99786
HONOLULU NZ 96883 4-9- 2- 41 STATE OF NAMAIS	388 PITT-388 6	98.64-AC	1587.60M.V 8138.60M.V	4-9- J- 20 RATINENS BOTERT H 625-6 EUMANAT LANE HUDDULU HT 96817
N-P- 2- 12 KASNIMORI MALTER Y	<u>}-</u>	ATRENT 74-YR		4-9- 3- 21 APIRI KAUNAME ESTATE Lee Donginy y Po Box 61187 Faigbarks ak 99706
1050 1010 AVE Homololu WI 94016 TEL 000-262-7145	500 PITT-500 F	2.19-40	£180LY	4-9- 3- 21 HATTNEWS ROBERT H 625-8 RUMAWAJ LANE HORDLULU HI 46817
4-9- 2- 42 CHOY TVANELLE & TAIS ENDEDA STREET HONOLULU NI 96821	588 PLTT-580 F	2.99-40	\$180.V	4-9- 3- 22 WHITE RARK S RRI BOK 405-E ROLDA HI 96756
4-9- 2- 42 SAFERY HANI E RR2 BUX 284 LANAINA HI 96761	500 PITT-540 F	2.11-40	\$18\$LY	4-9- 3- 22 HHITE RANDALL L P & AOK 772 KOLDA HI 95756
9-9- 2- 92 MARUAKANÉ ALDINE D PO BOR 5383 RALUA-ROMA ME 96795	588 PETT-588 F	2.99-40	\$180LY	4-9- 5- 22 WHITE ROBERT B JR JERS MAAPA ROAD LIMJE HI 96766
4-9- 2- 42 RAKUAKANE GANIEL M 3228 SUSAN AVE RARIAE CA 93933 4-9- 2- 42 RALUAKANE GAVID S	500 PITT-508 F	2.17-40	\$104.7	N-9- S- 22 ESTEP VICTORIA A 1125 D NATHINA ST HOROLULU HI 96825
1-1- 2- 42 IACUARAE UBUT DE IVE MAJOKA VA 23805	580 PITT-580 F 544 PITT-580 F	2.99-40	\$198LY \$198LY	4-9- 3- 22 WHITE WARK S /ETAL WHITE BONALD 6 Isail Hashireion Blyd Culver City Ca 48232
Р С 807 1879 Ранов ні 16778	500 P2TT-500 F	1 2.17-40	#118.7	4-9- 3- 22 WRIGHT ELLAJEAN 1738 TAN O'SHANTER RD 13 SEAL BEACH CA 10740
4-9- 2- 42 OILI JOSEPHINE N 1240 RALANJARAOLE AVE 1410 RI 5470 4-9- 2- 42 HARVARAME DARMELL N P D 80X 5383	588 P211-508 F	2.19-40	#10K.	4-9- 3- 25 BROWN JONE STYTHE 51-287 KEKID 51 KAAAAA X1 76758
KAILUA-KUNA NJ 76/45	540 PLTF-584 F	2,97-40	\$188.Y	4-9- 3- 24 REINICKE ALBERT K /ETAL PO BOX 782 LANAL CITY HI 96763
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LETTER ESTABLISHING CONSERVATION EASEMENT

• 1116 SMITTL STREET • SUITE 201 • HONOLULU, HAWAII • 98417 • 18841 \$17. (MRI •

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 <u>Exhibit A</u>, 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 <u>Exhibit B</u>, 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

William E. Ault 14 Peter D. Bildhen 14 Kenneth F. Brann G Zada W. Benen, Jr. Al	idert F. Clarke htrid C. Gole Grafit G. Gorundle Grafit M. Czernecks In hart F. Haig mak J. Haig National F. 1116 - 1418 Atouch	Darth A. Hyrnan Kenneth Y. Kaneshina Libert K. Jandgraf, ex veficio Frank J. Mananti Roll D. Mille Robert H (Szali Long Co., A. M. A. M. L. L. L.	Marguerite M. Paty Claules J. Pietsch, Jr. Diane J. Piets H. M. Abarty Richards Jean E. Rolles Jean F. Rolles William H. Stryles	Edisond D. Sultan, Ji Lanna L. Hoompson Danrene Voged Jettison N. Watonalo Goolond H. Wilson Rockens I. J. Wilson
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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 Are<sup>a</sup> 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

CASTILE & COQKE, INC. corporation Hawadii By THOMAS C. LEPPERT Its VICE PRESIDENT

By Ill. GP. Phil-

Its Vice Presiclant

# **CORRECTION** THE PRECEDING DOCUMENT(S) HAS BEEN REPHOTOGRAPHED TO ASSURE LEGIBILITY SEE FRAME(S) IMMEDIATELY FOLLOWING lan oranitari

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

DOCUMENT CAPTURED AS RECEIVED

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 The GP. Phil-

CASTLE & COQKE, INC. Hawadii corporation By THOMAS C. LEPPERT Its VICE PRESIDENT

Its Vice Presiclant



LETTER EXTENDING FINALIZATION OF CONSERVATION EASEMENT

• 1116 SHITH STREET • SUITE 201 • HONOLULU, HAWAII • 94817 • FIL: (804) 337-4508 • FAX: (804) 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. Ballaria Kenneth F. Busara Zaher W. Busten, Jr. Colia C. comercoa Robert F. Clarke	Dathi C. Cuir Samul A. Cushe Herbert C. Connirile Catali M. Carmer M Walter A. Dols, Jr. Guy Enjimera	Michael F. Haig Frank J. Haia Stanley Hong Kenneth Y. Kaneshiro, ex officio Libert K. Landgerf Frank J. Manuent	Marguernic en, i avy Cherice I, Pictuk, Jr. C, Dudley Prait, Jr. II, M. Monty Richards Jean F. Rolles Osculd K: Sternler	Edirend D. Suilan Laure L. Throupus Laurene Versi Infjiry N. Woland Rodern L.T. Wilson
			111 ( 1. 000/W)	

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,

Suce O.Ce

Suzanne D. Case Pacific and California Regional Counsel

encl. cc: Audrey Newman

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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

24 Þ By Thomas Leppert Keula R. Shana Its Vice President Assistent Second

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

Hudry By Λ 12 en a Audrey Wewman

Its Director of Protection

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F. Shoreline: N/A

- G. Existing covenants, easements, restrictions: Kanepu'u Preserve was established through a perpetual Conservation Easement given to The Nature Conservancy by the landowner, Castle and Cooke, Inc. There are no other covenants, easements or restrictions in the Preserve area.
- H. Historic sites affected: There are no known historic or archaeological sites in the area.

## II. <u>Description of Proposed Activity</u>:

The proposed 6'6" deer fence will protect 563 acres of native forest from deer, sheep and cattle. Protection of this forest will maintain vegetation and reduce soil erosion. The fence will be built along a 12-foot bladed strip. It will be constructed of high tensile, 13 strand wire, with a high tensile wire at ground level to prevent deer incursion from below. All materials will be delivered to the site by truck along existing roads, and stored at the preserve, or in Lanai City. A narrow strip of vegetation, which is mostly introduced grasses and shrubs, will be cleared for the fence line. The fence will be routed to avoid damage to native plants. Area of Proposed Use

## 563 Acres

## (Indicate in acres or sq. ft.)

Name & Distance of Nearest Town or Landmark Lanai City: 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 L County General Plan Designation <u>Conservation</u>

- 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. <u>Plans</u>: (All plans should include north arrow and graphic scale).

- A. <u>Area Plan</u>: 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. <u>Site Plan</u>: 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. <u>Construction Plan</u>: 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.
- controls; and grading, trenching, filling, dredging or soil disposal.
   <u>Maintenance Plans</u>: 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. <u>Management Plans</u>: For any appropriate use of animal, plant, or mineral resources, management plans are required.
- F. <u>Historic or Archaeological Site Plan</u>: 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. <u>Subzone Objective</u>: 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

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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 submditted 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 Adinistrative 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 Fesources, P.O. Box 621, Honolulu, Hawaii 96809. For information call 548-7837. JOIN WAIHEE



STATE OF HAWAII DEPARTMENT OF LAND AND NATURAL RESOURCES P. O. BOX \$21 HONOLULU. HAWAJI 96809

DOC.: 3046E

## APPLICANT'S CHECKLIST CONSERVATION DISTRICT USE APPLICATION (CDUA)

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

WILLIAM W. PATY, CHAIRPERSON BOARD OF LAND AND HAILINAL ATSOURCES

LIBERT K. LANDGRAF

AQUACULTURE DEVELOFMENT PROGRAM AQUATIC RESOURCES CONSERVATION AND ENVIRONMENTAL AFFAIRS CONSERVATION AND RESOURCES ENFORCEMENT CONVEYANCES FORESTRY AND WILDLIFE LAND MANAGEMENT STATE PARS WATER AND LAND DEVELOPMENT DOCUMENT FOR PUBLICATION IN THE OEQC BULLETIN

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Date:// Prepared by: <u>Heidi Bornhorst</u>	_
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: <u>Fencing of Native Vegetat</u>	<u>ion</u>
Location: Island Lanai District	
Type of Action (check one): Applicant (X) Agency () The Nature Conservancy of Ha	
Name of Contact: <u>Heidi Bornhorst</u> Address: <u>1116 Smith Street, #201,</u> City: <u>Honolulu</u> State: <u>Hawaii</u> Zip Code: <u>96817</u> Phone: ( <u>808</u> ) <u>537-4508</u>	-
Name of Preparer or Consultant: Name of Contact:	- -
Address:	- 
Accepting Authority: Division of Land & Natural Resources	-
Estimated Project Cost:Document Preparation Cost:Federal Funds \$Neg Dec/EA \$State Funds \$Draft EIS \$County Funds \$Sup Draft EIS \$Private Funds \$Sup Final EIS \$TOTAL \$TOTAL \$	-
<pre>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</pre>	
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]	

-10-

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): <u>To protect rare, native Olopua/Lama dry forest and prevent further</u> <u>soil erosion at Kanepu'u Preserve on Lanai. The Nature Conservancy</u> will build a 6'6" tall deer fence along the perimeter of 7 disjunct <u>patches of forest. Management of introduced weeds, restoration, fire</u> <u>control and interpretive programs will follow fence construction.</u>

(Continue on another sheet if necessary) 4-9-02-01 Tax Map Key(s):

#### FOR OEQC USE ONLY

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

OEQC # Planner:

Planner:

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