

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Division of Forestry and Wildlife
Honolulu, HI 96813

March 27, 2009

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

SUBJECT: Amend Prior Board Action of July 11, 2008 (C-1) to Clarify Parcel Description and Site Conditions for Sale of Lease at Public Auction for Telecommunications Purposes on Lands Within Līhu'e-Kōloa Forest Reserve, Kawaihau District, Kaua'i, Tax Map Key: (4) 4-2-001: 011.

Background: On July 11, 2008 under Item C-1 (Exhibit A), the Board approved as amended the sale of a lease for telecommunications purposes at public auction for the subject property.

Discussion: The map and description that accompanied the July 11, 2008 Board approval indicating TMK (4) 4-2-001: por. 002 was incorrect. A subdivision of this parcel occurred after the map and description were published; what is depicted in C.S.F. No. 20,254 (Exhibit B) is accurate except for the TMK number of the subject proposed lease area, which is now (4) 4-2-001:011.

Due to its remote mountain-top location access for this facility is by helicopter only, and recent attempts by Division staff to inspect the site have been thwarted. It was recently brought to the Division's attention by our current Special Use Permittee (Mr. Jack Hendrickson of Mid-Pacific Communications, Inc.) that some materials left behind by the previous lessee may qualify as hazardous. Conditions of the previous lease included the State's standard hazardous materials clause and required the lessee to pay all costs and expenses for disposal, removal, or storage of personal property left behind with this provision surviving the termination of the lease. Unfortunately, neither business associated with the previous lease is still in existence. We therefore feel it is the responsibility of the Department to remove these materials, rather than that of the current permittee or a prospective lessee. Any hazardous materials found will be fully described and quantified in the lease document prior to the lease auction. The lease shall include language to specify that the responsibility for the cleanup of any such hazardous materials and any associated expense shall lie with the Department. The Division is requesting to continue with development of the lease while concurrently addressing potential cleanup issues at the site with assistance from the Department of Health.

RECOMMENDATIONS:

That the Board:

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Division of Forestry and Wildlife
Honolulu, HI 96813

as amended

July 11, 2008

**Approved by the Board of
Land and Natural Resources
at its meeting held on**

7/11/2008

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

SUBJECT: Sale of Lease at Public Auction for Telecommunications Purposes on
Lands Within Līhu'e-Kōloa Forest Reserve, Kawaihau District, Kaua'i,
Tax Map Key: (4) 4-2-001: por.2.

REQUEST:

Sale of lease at public auction for telecommunications purposes.

LEGAL REFERENCE:

Sections 171-14, 16, & 17, and other applicable sections of Chapter 171, Section 183-1.5,
and other applicable sections of Chapter 183, Hawaii Revised Statutes, as amended.

LOCATION:

Līhu'e-Kōloa Forest Reserve: Portion of Government lands of Forest Reserve situated at
Kawaihau, Kaua'i, as identified by Tax Map Key: (4) 4-2-001: por 2 and as shown on the
attached map labelled Exhibit "A".

AREA:

19,200 square feet, more or less, to be determined by DAGS, Survey Division.

ZONING:

State Land Use District: Conservation, Protective subzone
Kaua'i County: Conservation

Semi-annual payments, in advance.

RENTAL REOPENINGS:

At the 10th and the 20th years of the lease term, by staff or independent appraisal.

PERFORMANCE BOND:

Twice the annual rental amount.

PROPERTY CHARACTERISTICS:

Utilities – None.

Existing Improvements – One (1) 14' diameter geodesic dome, one (1) 10' x 10' x 20' communications shed with dish and Yagi antennas attached to the rooftop and/or sidewalls, one (1) 12' x 12' helipad, one (1) solar panel frame, twelve (12) 175 watt solar panels, one (1) 35 pound, 900 watt wind generator.

Legal access to property – No vehicular access - helicopter access only.

Encumbrances – As noted above.

CHAPTER 343 – ENVIRONMENTAL ASSESSMENT:

Environmental Impact Assessment published May 1984 with a finding of no significant impact (FONSI).

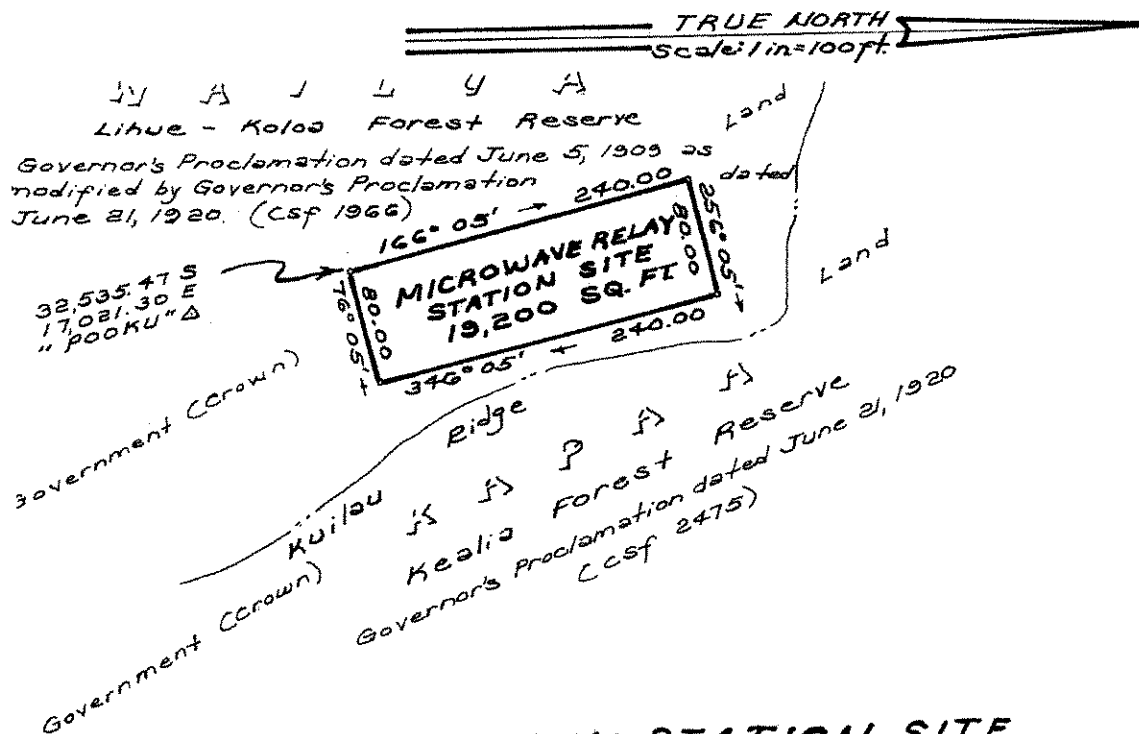
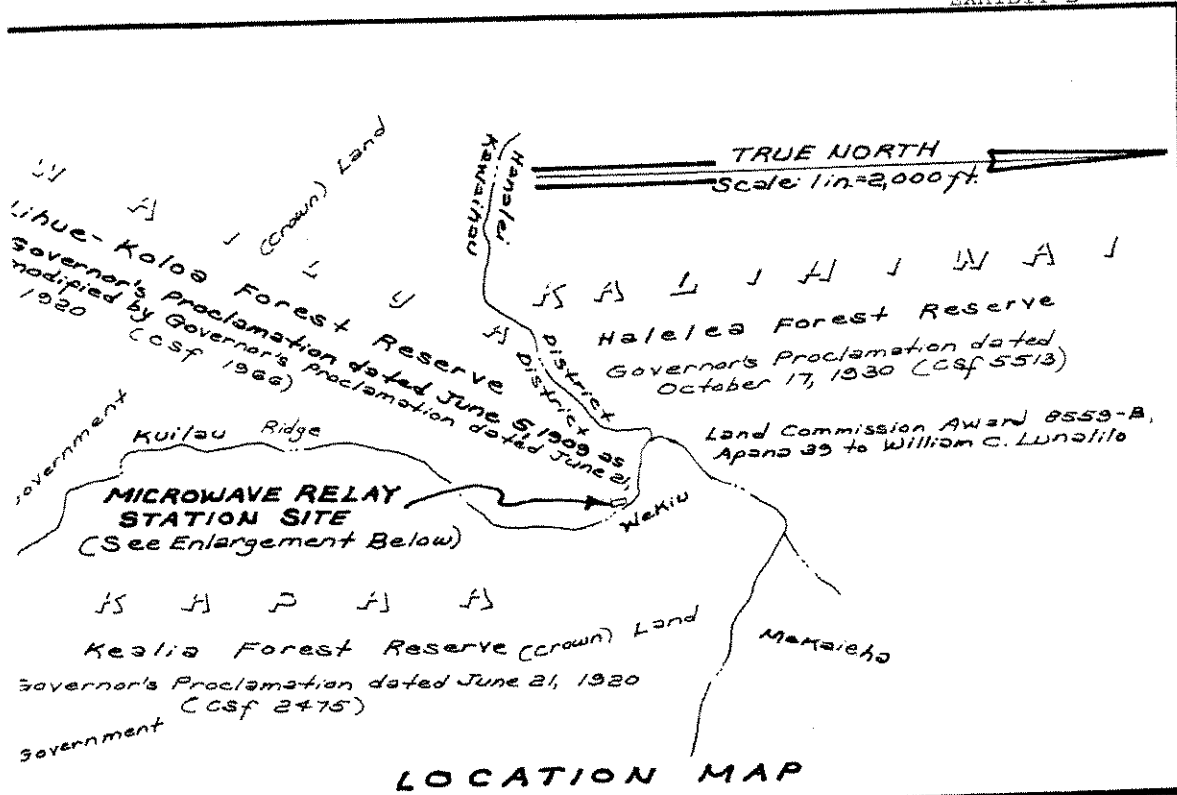
Existing Conservation District Use Permits (CDUP) for the site:

KA-1701 BLNR approved 12/14/1984 and amended 06/28/1985

KA-2668 BLNR approved 02/24/1994

Site Plan Approval to current Permittee from Office of Conservation and Coastal Lands dated 07/07/2006.

REMARKS:



MICROWAVE RELAY STATION SITE

Wailua, Kawaihau, Kauai, Hawaii

Scale: 1 inch = 100 feet

JOB K-287(85)

C. BK 12, Pg. 7 - S. Nakamura

TAX MAP 4-2-01:2

C. S. F. No. 20254

SURVEY DIVISION
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES

STATE OF HAWAII

STN Aug. 21, 1985

