

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

May 22, 2009

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

Land Board Members:

SUBJECT: Renewal of Special Use Permit to Mid Pacific Communications, Inc. for Use of a Telecommunications Site on Lands within Lihuē-Kōloa Forest Reserve, Kawaihao District, Kaua'i, Tax Map Key: (4) 4-2-001:011.

Background:

At its July 14, 2006 meeting (Item C-3), the Board approved issuance of a Special Use Permit (SUP) to Mid-Pacific Communications, Inc. (Permittee) for a telecommunications site in Tax Map Key (4) 4-2-001: por. 2 within Lihuē-Kōloa Forest Reserve, Kawaihao District, Kaua'i (Exhibit A). At its June 22, 2007 meeting (Item C-1), the Board approved the renewal of the SUP to Mid Pacific Communications, Inc. for an additional twelve months and authorized the Division to pursue issuance of a land license for use of the telecom site via a request for proposal. At its June 27, 2008 meeting (Item C-1), the Board approved another renewal of the SUP for twelve months. At this time, the Board was informed that consultation with Land Division and the Department of the Attorney General indicated that disposition of the site would be best achieved with the use of a lease, rather than a land license. While in the process of developing the lease, staff discovered that the parcel had been subdivided and that the site potentially contains hazardous materials left behind from cancellation of a previous lease. At its March 27, 2009 meeting (Item C-1), the Board approved as amended the change in TMK resulting from the subdivision and the continued development of the lease while concurrently addressing potential cleanup issues at the site.

Discussion:

DOFAW and Land Division staff need to physically inspect the site in order to gather more information regarding potential hazardous materials. Site access is very limited; it is located on a remote mountaintop where due to weather conditions, helicopter access is restricted to the summer months. As a result of access and budgeting issues, DLNR staff have as of yet been unable to conduct the site visit required to accurately assess the situation before developing the lease document, which is to include a description and quantity of any hazardous materials. The

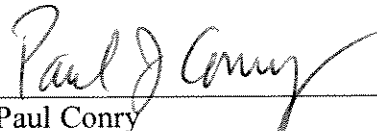
current Permittee has been a responsible tenant, paying rent on time, voluntarily conducting site cleanup work of debris left by former occupants, and providing photos and information to DOFAW staff regarding the site conditions. For these reasons, the Division suggests renewal of the Special Use Permit under the current terms for an additional twelve months while the public procurement process for long-term site disposition is implemented. Under such a scenario, the current Permittee could stay active during the interim period. No other parties have requested an interest in using the site at this time.

RECOMMENDATION:

That the Board of Land and Natural Resources:

1. Authorize renewal of the Special Use Permit to Mid Pacific Communications, Inc. for 19,200 square feet at Lihue-Kōloa Forest Reserve, Kawaihao District, Kaua'i, Tax Map Key: (4) 4-2-001:011, under the current terms for twelve months, expiring on July 13, 2010, subject to cancellation upon execution of a long-term lease for the same site.

Respectfully Submitted,



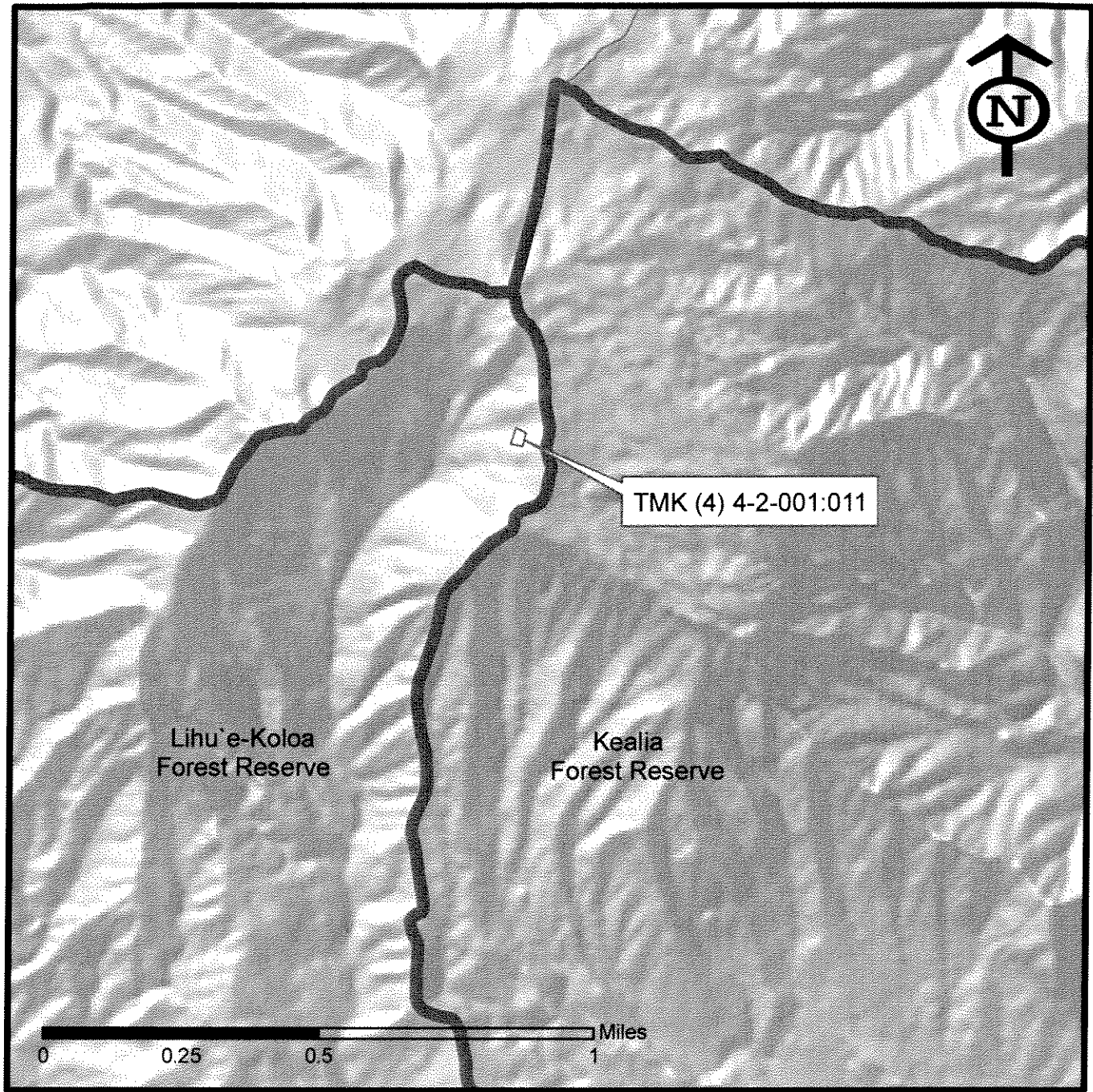
Paul Conry
Administrator

APPROVED FOR SUBMITTAL:



Laura H. Thielén, Chairperson

Exhibit A: Telecommunications site at Mt. Wekiu, Kaua'i



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808-587-0166

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