

STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
Land Division  
Honolulu, Hawaii 96813

January 8, 2010

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

PSF No.:09OD-151

Oahu

Cancellation of Revocable Permit No. S-5384; Issuance of Revocable Permit to Mount Wilson FM Broadcasters, Inc.; Wiliwilinui Ridge, Honolulu, Oahu, Tax Map Key:(1) 3-6-004:026

APPLICANT:

Mount Wilson FM Broadcasters, Inc., a foreign profit corporation, whose business and mailing address is 1500 Cotner Avenue, Los Angeles, California 90025.

LEGAL REFERENCE:

Sections 171-13 and 55, Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government lands situated at Wiliwilinui Ridge, Honolulu, Oahu, identified by Tax Map Key:(1) 3-6-004:026, as shown on the attached map labeled Exhibit A.

AREA:

0.079 acres, more or less.

ZONING:

State Land Use District: Conservation  
City and County of Honolulu LUO: P-1 Preservation

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act

DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: No

CURRENT USE STATUS:

Encumbered by Revocable Permit No. S-5384, Mauna Kea Broadcasting Co. Inc., Permittee,

to operate and maintain an FM radio transmission facility.

Encumbered by Governor's Proclamation dated December 24, 1926 for the Honolulu Watershed Forest Reserve Purposes.

CHARACTER OF USE:

To operate and maintain an FM radio transmission facility.

COMMENCEMENT DATE:

The first day of the month to be determined by the Chairperson.

MONTHLY RENTAL:

\$8,250.00 per month (current rent under RP 5384).

COLLATERAL SECURITY DEPOSIT:

Equivalent to two month's rent.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with the "Division of Land Management's Environmental Impact Statement Exemption List", approved by the Environmental Council and dated April 28, 1986, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 1 as "there will be negligible or no expansion or change of use beyond that previously existing". The request is for housekeeping involving the change of the applicant's name and no expansion of uses.

DCCA VERIFICATION:

Place of business registration confirmed:	YES <u>X</u>	NO <u>__</u>
Registered business name confirmed:	YES <u>X</u>	NO <u>__</u>
Applicant in good standing confirmed:	YES <u>X</u>	NO <u>__</u>

REMARKS:

Since 1977, the subject site has been occupied by Mauna Kea Broadcasting Company, Inc. under Revocable Permit (RP) No. S-5384. In 1986, the company was merged into Mount Wilson FM Broadcasters, Inc., but the operation of the facility has never been changed.

Recently, staff noticed the discrepancy of the permittee's record. By way of letter dated December 1, 2009, the attorney for Mauna Kea Broadcasting Company, Inc. requested that RP 5384 be cancelled and that a new revocable permit be issued to Mount Wilson FM Broadcasters, Inc.

Applicant has not had a lease, permit, easement or other disposition of State lands terminated within the past five years due to non-compliance with such terms and conditions. A month-to-month tenancy is more appropriate than a long term disposition because the subject property is located in a flood zone area.

No comments were solicited from other government agencies being that there is no change in the applicant's existing use of the area.

Division of Forestry and Wildlife has no comment on the proposed permit. It further notes that the permit shall be transferred to their division in the future. Staff understands that there are other procedural issues before any new permit can be transferred to DOFAW.

There are no pertinent issues or concerns. Staff has no objection to this request.

RECOMMENDATION: That the Board:

1. Authorize the cancellation of Revocable Permit No.S-5384.
2. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Chapter 11-200, HAR, this project will probably have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment.
3. Authorize the issuance of a revocable permit to Mount Wilson FM Broadcasters, Inc. covering the subject area to operate and maintain an FM radio facility site under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:
  - a. The standard terms and conditions of the most current revocable permit form, as may be amended from time to time;
  - b. Review and approval by the Department of the Attorney General; and
  - c. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,

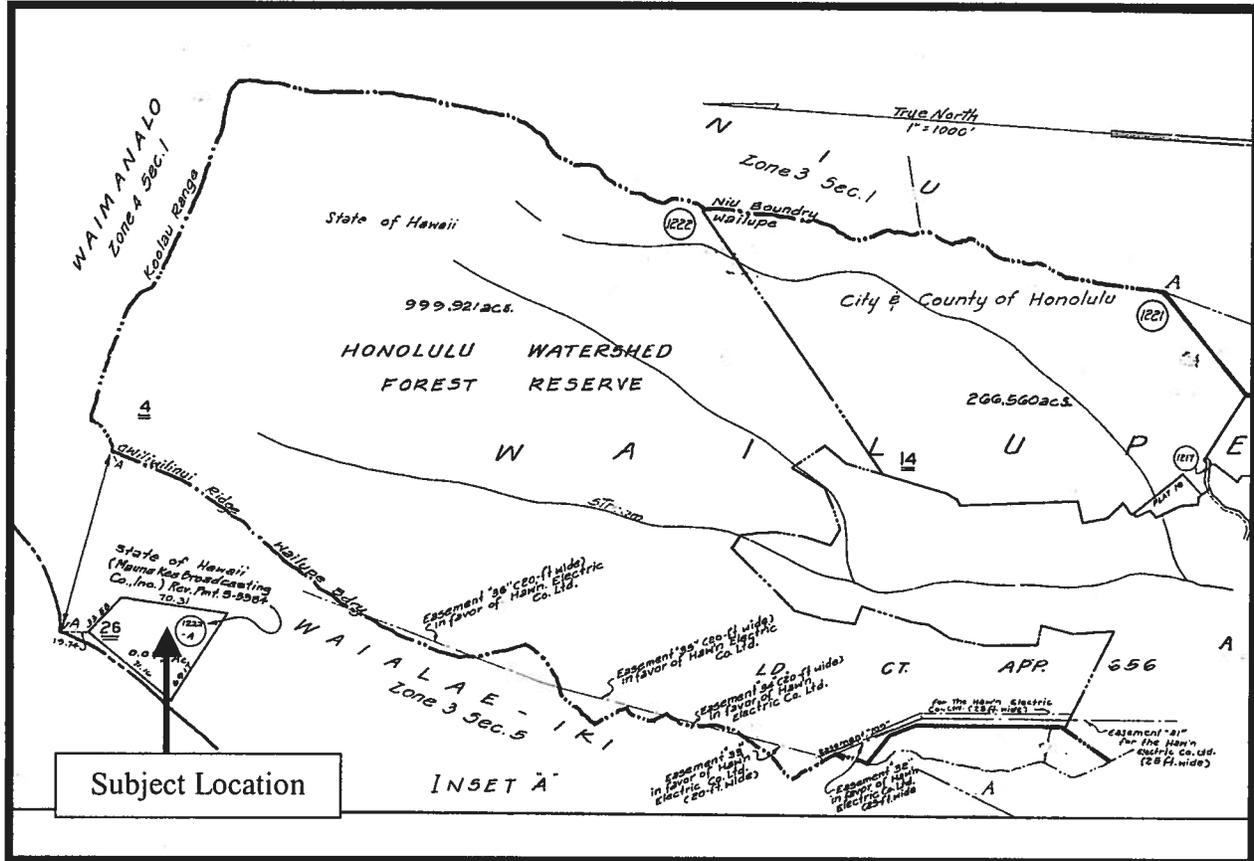


Steve Lau  
Land Agent

APPROVED FOR SUBMITTAL:



Laura H. Thielen, Chairperson



TMK (1) 3-6-004:026

**EXHIBIT A**