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

September 9, 2010

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

PSF No.: 10KD-135

Kauai

After –The –Fact Extension of Lease Term for General Lease S-4259, (Contract No. DACA84-5-70-16) to the United State of America, Department of the Air Force, Waimea, Kauai, Hawaii, TMK: (4) 1-2-001: 009

APPLICANT:

United State of America, Department of the Air Force.

LEGAL REFERENCE:

Section 171-95, Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government lands of Waimea situated at Waimea, Kauai, identified by Tax Map Key: (4) 1-2-001: 009, as shown on the attached map labeled Exhibit A.

AREA:

1.251 acres, more or less.

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act
DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: NO

CHARACTER OF USE:

Microwave relay station and roadway purposes.

LEASE TERM:

Five (5) years beginning June 17, 2009 and ending on June 16, 2014.

ANNUAL RENT:

Gratis

DCCA VERIFICATION:

N/A as lease held by Government Agency

REMARKS:

General Lease S-4259 (Contract No. DACA84-5-70-16) was issued to the United States of America for the purposes of a microwave relay station and access roadway.

General Lease S-4259 commenced on June 17, 1969 and was for a five (5) years term with an option to extend for another ten (10) year. On August 22, 1974, Supplemental Agreement 1 extended the Lease for an additional ten (10) years to June 16, 1984. Subsequently five supplemental Agreements extending the lease for five (5) years each were issued. The cumulative lease term of 45 years.

By letter dated May 4, 2010, Mr. Crag H. Nakano, Chief, Real Estate Branch of the U.S. Army Corps of Engineers is requesting an after-the-fact extension to the lease for an additional five (5) years, beginning June 17, 2009 and ending on June 16, 2014. (See Exhibit B)

Staff has no objection to the request.

This request as an extension of General Lease S-4259 constitutes an ongoing use and routine management of State lands and does not trigger Chapter 343 – Environment Assessment.

RECOMMENDATION: That the Board:

Authorize the after-the-fact extension of General Lease S-4259, to the United States of America, Department of the Air Force from June 17, 2009 to June 16, 2014, subject to the following:

1. That the USA continues to submit any sublease agreement with any potential user of the site to the Board for its consent prior to issuance of such sublease.

2. That the USA continue to adhere to all other terms and conditions of General Lease S-4259.

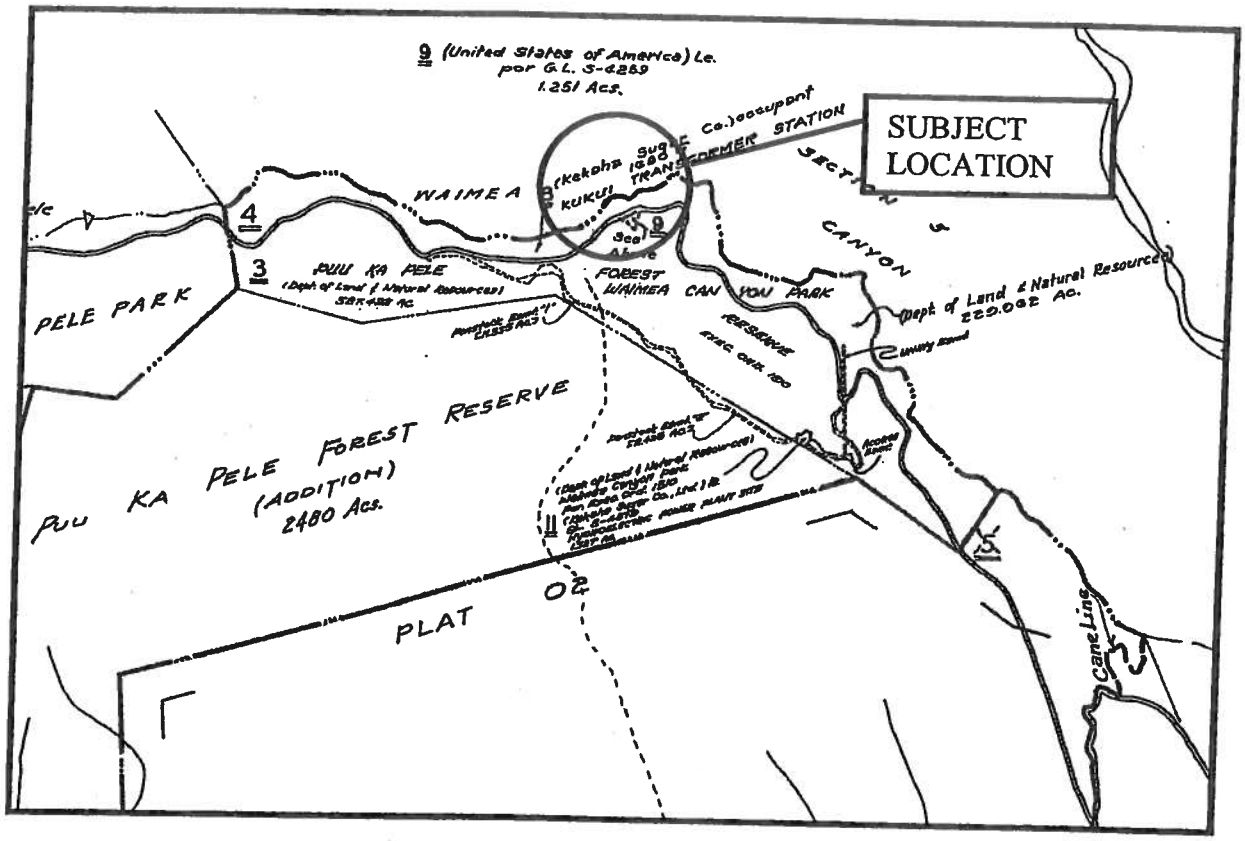
3. Such other conditions as may be prescribed by the Chairperson to the best serve in the interests of the State.

Respectfully Submitted,

Tommy Oi
Kauai District Land Agent

APPROVED FOR SUBMITTAL:

Laura H. Thielen, Chairperson



Tax Map Key: 1-2-001: 009

LAND BOARD EXHIBIT A

DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, HONOLULU DISTRICT
FORT SHAFTER, HAWAII 96858-5440

REPLY TO
ATTENTION OF:

May 4, 2010

Real Estate Branch

Mr. Tommy Oi
District Land Agent
State of Hawaii
Department of Land and Natural Resources
3060 Eiwa Street, Room 306
Lihue, Hawaii 96766

Re: Extension of Lease Term for GL No. S4259 (Contract No. DACA84-5-70-16) to United States of America, Department of Army, Waimea, Kauai, TMK: (4)1-2-001:009

Dear Mr Oi:

In reference to your letter dated October 26, 2009, same subject, enclosed are four copies each of Supplemental Agreement (SA) No. 6 and No. 7 executed on behalf of the United States of America. The term for SA No. 6 covers the period June 17, 2004 through June 16, 2009; and the term for SA No. 7 covers the period June 17, 2009 through June 16, 2014. If acceptable, please have all copies signed and return to us two fully executed copies of each SA.

We sincerely apologize for the delay in processing these SAs. If you have any questions on this matter, please contact Ms. Zandra Smith at 438-0590. Thank you for your cooperation.

Sincerely,

Craig H. Nakano
Chief, Real Estate Branch

Enclosures

EXHIBIT "B"