

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

May 10, 2013

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

PSF No.: 12HD-161
PSF No.: 08HD-139

HAWAII

Amend Prior Board Action of October 24, 2008 (D-7); Termination of Revocable Permit No. S-7425 to Skynet Hawaii, LLC; Issuance of Revocable Permit to Mahalo Broadcasting, LLC, at Kalaoa, North Kona, Hawaii, Tax Map Key: 3rd/ 7-3-049: portion of 038. Purpose of the Amendment is to decrease the Permit Area Issued to Mahalo Broadcasting From 4.00 Acres to 3.50 Acres.

Issuance of Revocable Permit to Cellco Partnership, dba: Verizon Wireless (Verizon Wireless) for Temporary, Wireless Telecommunication Site Purposes, Kalaoa, North Kona, Hawaii, Tax Map Key: (3) 7-3-049:portion of 038.

APPLICANT:

MAHALO BROADCASTING, LLC, whose business and mailing address is 74-5605 Luhia Street, Suite #B-7, Kailua-Kona, Hawaii 96740.

CELLCO PARTNERSHIP, dba: VERIZON WIRELESS, a foreign limited liability company, whose mailing address is 180 Washington Valley Road, Bedminster, New Jersey 07921.

LEGAL REFERENCE:

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

LOCATION:

Portion of Government lands at Kalaoa, North Kona, Hawaii, identified by Tax Map Key: 3rd/ 7-3-049: portion of 038, as shown on the attached map labeled **Exhibit A**.

AREA:

Mahalo Broadcasting: 3.50 acres, more or less.

Verizon Wireless: 0.50 acres or 21,780 square feet, more or less.
Note: The guy wire supports for the antenna will extend in a 70 foot radius, covering approximately 19,600 square feet.

ZONING:

State Land Use District: Conservation
County of Hawaii CZO: Open

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-7425, Skynet Hawaii, LLC, Permittee, for radio tower and accessory building site purposes.

In 2007, Skynet Hawaii, LLC, sold the radio station to Mahalo Broadcasting, LLC, then was dissolved, but failed to notify HDLO. Staff stumbled on the discovery of a change in ownership in 2008 and initiated procedures to cancel the existing permit to Skynet Hawaii and to reissue a new revocable permit to Mahalo Broadcasting for use of the subject tower site. Over the past five years, Mahalo Broadcasting had been experiencing problems in re-registering its business name with DCCA. Attempts to resolve this issue are on-going, but now progressing positively, and the issue is expected to be resolved shortly.

For reasons unknown, Mahalo Broadcasting, LLC, was registered as a domestic limited liability company, but in actuality, it is a foreign limited liability company. This situation was realized when Hawaii State taxes were required.

CHARACTER OF USE:

Temporary, mobile, wireless cellular transmission site.

COMMENCEMENT DATE:

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

MONTHLY RENTAL:

To be determined by staff or independent appraiser, subject to review and approval by the Chairperson.

COLLATERAL SECURITY DEPOSIT:

Twice the monthly rental.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

See Exemption Notification attached below as **Exhibit E**.

In accordance with Hawaii Administrative Rule Sections 11-200-8(a)(1) & (4) and the Exemption List for the Department of Land and Natural Resources approved by the Environmental Council and dated December 4, 1991, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 1, that states "Operations, repairs or maintenance of existing structures, facilities, equipment, or topographical features, involving negligible or no expansion or change of use beyond that previously existing" and Class No. 4, that states "Minor alteration in the conditions of land, water, or vegetation."

DCCA VERIFICATION:

Mahalo Broadcasting:

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>

Verizon Wireless:

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:

At its meeting of August 28, 1987, Item F-1-f, the Board of Land and Natural Resources approved the issuance of Revocable Permit No. S-6539, to Big Island Broadcasting Company, Ltd., for radio synchronous transmitter towers and accessory building site. At its meeting of May 8, 1987 (Item H-2), the Board approved Conservation District Use Permit HA-12/15/86-1963, for construction of towers and on November 20, 1987, approved HA-5/27/87-2034, for installation of propane generator.

At its meeting of June 13, 1997, Item D-31, the Land Board approved the cancellation of Revocable Permit S-6539 to Big Island Broadcasting; and Issuance of Revocable Permit

No. S-7139, to Big Island Radio for similar purposes.

At its meeting of April 22, 2005, Item D-6, the Board of Land and Natural Resources approved the cancellation of Revocable Permit No. S-7139 to Big Island Radio and issuance of Revocable Permit No. S-7425 to Skynet Hawaii, LLC.

At its meeting of October 24, 2008, Item D-7, the Land Board approved the cancellation of Revocable Permit No. S-7139 to Skynet Hawaii LLC; Issuance of Revocable Permit to Mahalo Broadcasting, LLC.

In processing the revocable permit for Mahalo Broadcasting, it was found that it was not in good standing with DCCA, therefore, processing of the revocable permit could not be completed. Research of the situation with DCCA revealed that Mahalo Broadcasting, although a foreign limited liability company, for reasons unknown, was in error registered as a domestic limited liability company. Having been registered as a domestic limited liability company, Mahalo Broadcasting was then required to submit to DCCA copies of its Hawaii State Tax Returns. However, as a foreign LLC, Mahalo Broadcasting does not file Hawaii State Taxes. Through numerous attempts over the past five years, Mr. Dan Deeb, General Manager of Mahalo Broadcasting has been unsuccessful in correcting the business name registration with DCCA. Although a revocable permit has not yet been executed, Mahalo Broadcasting continues to maintain regular monthly payments and has a Certificate of Liability Insurance under its name. Attempts to resolve the business name registration with DCCA are ongoing.

On June 7, 2012, HDLO received an email message from Danette Martin, Consultant to General Dynamics, Agent for Cellco Partnership, doing business as Verizon Wireless. The request is for a revocable permit to install a temporary, mobile wireless telecommunication cellular site on the subject State parcel. The proposed mobile wireless telecommunication tower site is affixed on a trailer, which is referred to as a "Cellular On Wheels" (COW). Installation and operation of the COW will not adversely impact the subject site as it can easily be wheeled on and off the property without causing any disturbance to the ground. The guy wire supports, which would be fastened to concrete blocks placed on wooden pallets for counter weight, will extend in a 70 feet radius. If approved the temporary (2-3 year) use of the parcel, Verizon intends to proceed with acquiring a longer-term lease for the eventual construction, maintenance, and operation of a wireless communication facility. The purpose of the facility is to provide wireless high-speed 4G Internet service to the Kona Airport and surrounding neighborhoods. Currently, the Kona Airport is one of the few Airports in the nation without 4G services. Verizon Wireless has been in communication with Mahalo Broadcasting to discuss its interest to lease a portion of the subject property. Mahalo Broadcasting has no objections to the request. The COW will be placed on a portion of the property currently being used as a parking area nearest the property entrance, to assure minimum disturbances to the ground.

Proposed use is allowable under county zoning, which is Open.

Cellco Partnership, dba: Verizon Wireless has not had a lease, permit, easement or other disposition of State lands terminated within the last five years due to non-compliance with such terms and conditions.

To date, no other requests have been made for the subject property.

On June 19, 2012, various government agencies and interest groups were solicited for comments. To date, the only respondents to our request for comments were the Office of Conservation and Coastal Lands (OCCL) and the State Historic Preservation Division (SHPD).

OCCL responded that in order to better determine if any special permits would be required, it needed additional information concerning, 1) Length of time the COW will remain on the subject property, 2) A schematic of the COW, associated structures and utility lines, and 3) A site plan showing the approximate layout of the proposed COW. Upon receipt of the additional information above requested, OCCL provided a response indicating that, 1) the placement of a new telecommunication tower is an identified use, therefore, a CDUA would be required, 2) a public hearing will not be required, and 3) the above proposal is exempt from requirements of submitting an environmental assessment for the proposed land use. **(Exhibit B)**

SHPD had no objections to the request, but requested that an archaeological field inventory be conducted to determine if there are any significant historic properties within the subject project site.

On October 17, 2012, HDLO received a memorandum from Mr. Michael Vitousek, Lead Archaeologist, State Historic Preservation-Hawaii Island Section, confirming that he conducted an archaeological field inspection of the subject property on October 3, 2012. Mr. Vitousek reports that he believes that no historic properties will be affected by the proposed project. **(Exhibit C)**

On February 19, 2013, OCCL acknowledged receipt and accepted a request for a Departmental Permit, identified as CDUA: HA3656. The comment period for the CDUA ended on April 8, 2013 and OCCL is expected to approve the Departmental Permit on May 8, 2013. **(Exhibit D)**

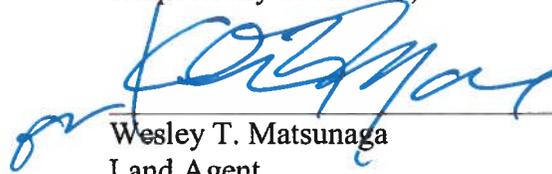
RECOMMENDATION: That the Board:

1. 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.
2. Amend Its Prior Board Action of October 24, 2008 (D-7); Termination of

Revocable Permit No. S-7425 to Skynet Hawaii, LLC; Issuance of Revocable Permit to Mahalo Broadcasting, LLC, at Kalaoa, North Kona, Hawaii, Tax Map Key: 3rd/ 7-3-049: portion of 038 by:

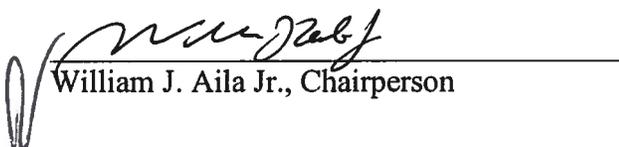
- A. Decreasing the revocable permit area issued to Mahalo Broadcasting From 4.00 Acres to 3.50 Acres.
3. Authorize the issuance of a revocable permit consisting of .50 acres, to Cellco Partnership, dba: Verizon Wireless, covering the subject area for Temporary Telecommunication Site purposes under the 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. Verizon Wireless is to submit a Conservation District Use Application (CDUA) and all associated documents for a Departmental Permit from the Office of Conservation and Coastal Lands, and secure the Departmental Permit prior to issuance of the revocable permit;
 - C. Review and approval by the Department of the Attorney General; and
 - D. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,



Wesley T. Matsunaga
Land Agent

APPROVED FOR SUBMITTAL:



William J. Aila Jr., Chairperson

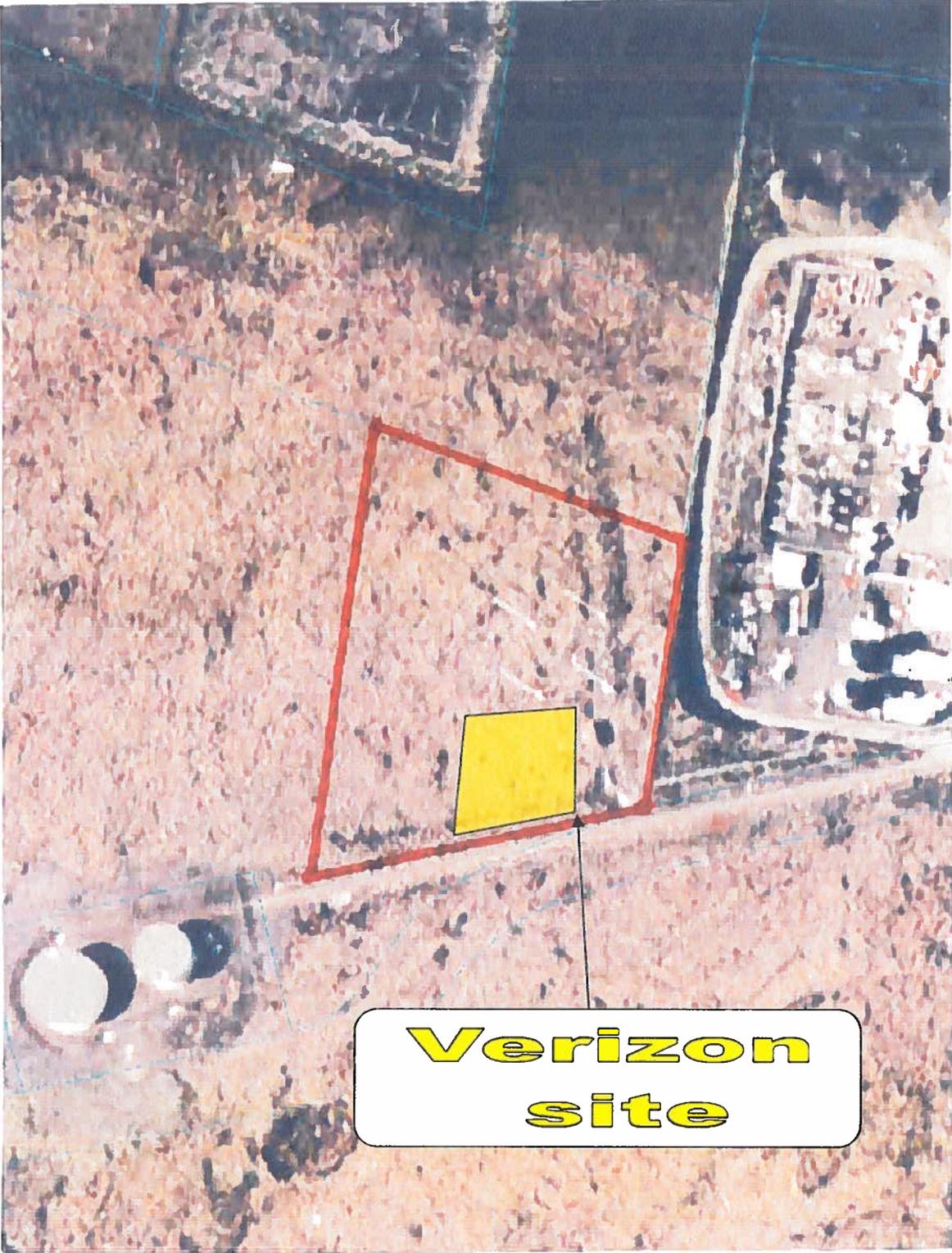
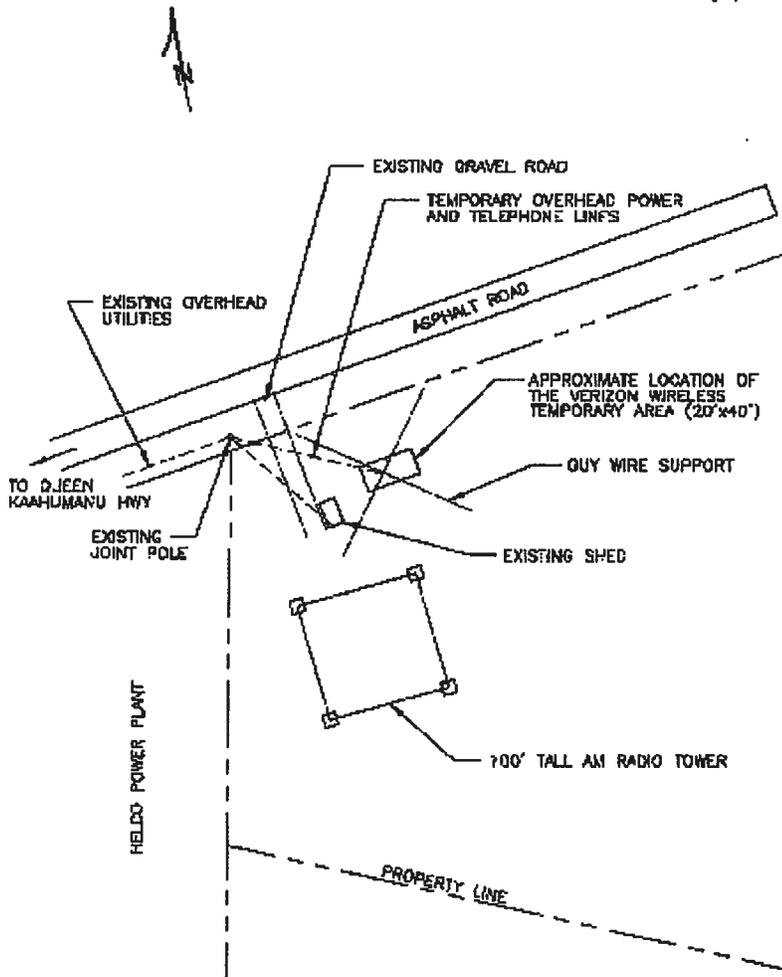


EXHIBIT A

Verizon Wireless
HI3-Kona Airport
Kailua-Kona, Hawaii
TMK (3) 7-3-049: 038



Site Plan
NO SCALE

EXHIBIT A

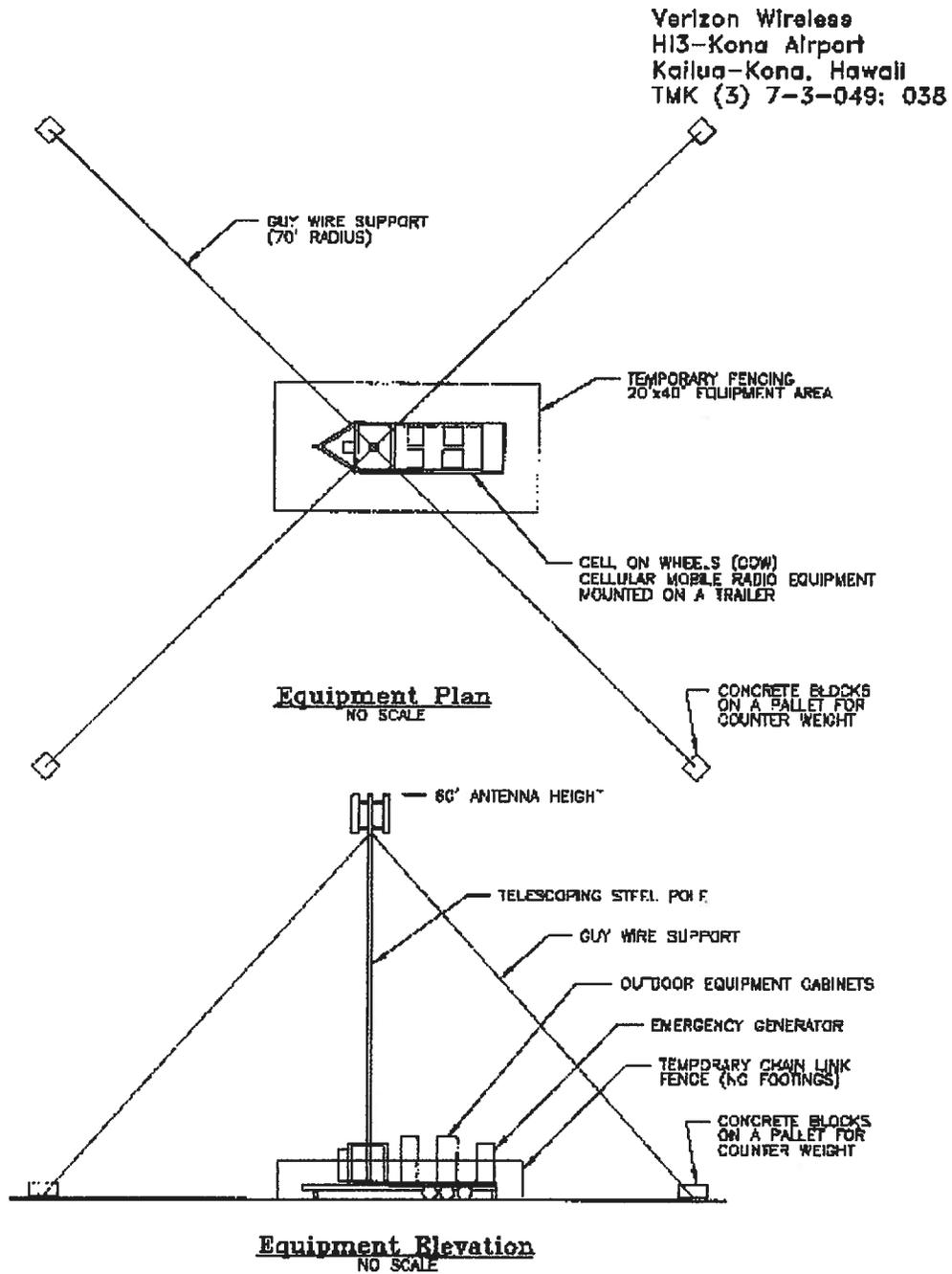


EXHIBIT A

NEIL ABRAHAMSON
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
OFFICE OF CONSERVATION AND COASTAL LANDS
POST OFFICE BOX 631
HONOLULU, HAWAII 96809

WILLIAM J. ADA, JR.
COMMISSIONER
DEPARTMENT OF LAND AND NATURAL RESOURCES
OFFICE OF CONSERVATION AND COASTAL LANDS

CC: M. EARL LINDHART
PROPERTY

WILLIAM DE TARS
PROPERTY

2012 AUG -3 P 1:18

RECEIVED
LAND DIVISION
HILO, HAWAII

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED EXCEPT WHERE SHOWN OTHERWISE
DATE 07-11-2011 BY 60322 UCBAW/STP/STP

REF: OCCL: AJR

CCR: HA-12-259b

Danette Martin
c/o MP Property Services
76-6357 Kolonia St.
Kailua-Kona, HI 96740

AUG 2 2012

Re: **Proposal for the Placement of a Cellular-on-Wheels (COW) Telecom Facility**
TRK: (3) 7-3-649; 038
Ooma, North Kona District, Island of Hawaii, Hawaii

Dear Ms. Martin,

The Office of Conservation and Coastal Lands (OCCL) is in receipt of your request, dated July 26, 2012, regarding a proposal to place a Cellular-on-Wheels (COW) Telecommunications Tower for Verizon Wireless within the Conservation District General Subzone. According to the information provided, the permittee is proposing to place a 60-foot high mobile cellular-on-wheels telecommunications tower on the subject parcel. The proposal includes the placement of the COW, which will include a 20-foot by 40-foot work area, temporary fencing around the work area, guy wire supports (at a 70-foot radius), and concrete blocks (as guy-wire counterweights) resting on wood pallets for support. The COW and associated structures will be located near an existing 100-foot tall AM radio tower and existing equipment shed.

A review of the subject parcel reveals that two (2) approvals for land use have been granted, one for the construction of a 100-foot tall AM Radio Tower under Conservation District Use Permit (CDUP) HA-1963 and another for the placement of a "Windco" generator for the AM tower under (CDUP) HA-2034. A condition of CDUP HA-1963, which granted approval for the AM tower, states:

- 1. *That the antennae site may only be shared with future antennae users provided there is no electromagnetic interference to residents in the area;*

The OCCL is requesting that the applicant for the proposed COW adequately address this condition during the permitting review process.

Based on the information provided the OCCL recommends that:

- 1. The placement of a new telecommunications tower in the Conservation District General Subzone is an identified land use pursuant to Hawaii Administrative Rules (HAR) §13-5-22, P-14, TELECOMMUNICATIONS, (C-1) *Construction of a new tower at an existing site that is lower than existing towers and does not result in adverse visual*

EXHIBIT B

REF: OCCL: AJR

S2A: HA-12-259

impacts, and that is part of a site and system master plan. This use will require you to submit a Conservation District Use Application (CDUA) and all associated documents for a Departmental Permit;

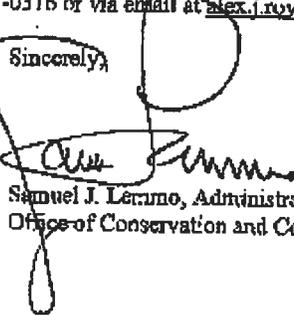
2. Pursuant to HAR §13-5-40, **HEARINGS**, a public hearing will not be required; and
3. Pursuant to HAR §11-200-8, **Exempt Classes of Action**, (3) *Construction and location of single, new, small facilities or structures and the alteration and modification of the same and installation of new, small equipment and facilities and the alteration and modification of same;* and (4) *Minor alterations in the conditions of land, water, or vegetation.* Therefore your proposal is exempt from the requirement of submitting an Environmental Assessment (EA) for the proposed land use.

In order to process your request you will be required to complete a CDUA for this proposed land use. Similarly, the applicant will need to provide a description of site planning, including, but not limited to, future expansions or additional towers.

The OCCL would like to clarify that this recommendation is for the short-term placement (2-3 years) of the COW. If the site is deemed suitable for a permanent telecommunications tower facility the applicant may be required to complete an Environmental Assessment (EA), an Archeological Inventory Assessment (AIS), a Cultural Impact Assessment (CIA) and/or other project impact review documents prior to construction of the permanent facility. Additionally a new Conservation District Use Application may be required for the permanent facility.

Should you have any questions, please feel free to contact Alex J. Roy of our Office of Conservation and Coastal Lands at 808-587-0316 or via email at alex.j.roy@hawaii.gov

Sincerely,


Samuel J. Lemmo, Administrator
Office of Conservation and Coastal Lands

CC: Chairperson
HDLO
County of Hawaii Planning Dept
County of Hawaii - Dept. of Public Works
DOFAW

EXHIBIT B

NEIL ARBERG HARRIS
DIRECTOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
STATE HISTORIC PRESERVATION DIVISION
611 KAMUNILA HOLEVAKA, ROOM 233
KAPOLEI, HAWAII 96707

2012 OCT 17
RECEIVED
LAND DIVISION
HULO, HAWAII

October 5, 2012

MEMORANDUM

To: Wesley Matsunaga
Land Division
75 Aupuni Street, Room 205
Hilo, HI 96720

LOG NO: 2012.2F07
DOC NO: L210MV06
Archaeology

FROM: Michael Vitousek, Lead Archaeologist Hawaii Island Section

SUBJECT: Chapter 6L-8 Historic Preservation Review –
Issuance of Revisable Permit to Mahalo Broadcasting and Verizon Wireless for Tower Site
Kuluaa Ahapuu'a, North Kona District, Island of Hawaii
TRK: (3) 7-3-049-038 (unfiled)

Thank you for the opportunity to review this project that was originally received by our office on June 22, 2012. The initial review of our records indicated that this project area has been subjected to an archaeological survey as was included in the Hammar and Folk 1980 survey. Subsequent archaeological surveys in the former Hammar and Folk (1980) survey area have revealed additional archaeological sites that were missed by the original survey (PHR 1992 Rpt. No. H-01111). This new information indicates that the previous survey is not adequate according to the current archaeological standards established by Hawaii Administrative Rule 13-276. Therefore, we requested that an archaeological field inspection be conducted on this project area by a qualified archaeologist.

Subsequently we have been informed that the proposed Verizon wireless tower will be a temporary site with minimal ground disturbance. It will be set on top of a mobile trailer and anchored into place with multiple cement blocks. In addition, staff archaeologist Michael Vitousek conducted an archaeological field inspection on October 3, 2012. No archaeological resources or historic properties were recorded during this field visit. Therefore, SHPD believes that no historic properties will be affected by the proposed project. In the event that historic resources, including human skeletal remains, structural remains, sand deposits, midden deposits, or lava tubes are identified during project activities, please cease work in the immediate vicinity of the find, protect the find from additional disturbance, and contact the State Historic Preservation Division at (808) 933-7653.

Please contact Mike Vitousek at (808) 622-1310 or Michael.Vitousek@Hawaii.gov if you have any questions or concerns regarding this memo.

EXHIBIT C

87787

NEIL ABERCROMBIE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

OFFICE OF CONSERVATION AND COASTAL LANDS
POST OFFICE BOX 621
HONOLULU, HAWAII 96809

WILLIAM J. AILA, JR.
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

ESTHER KIA'AINA
FIRST DEPUTY

WILLIAM M. TAM
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

REF: OCCL: AJR

CDUA: HA-3656

Acceptance Date: February 13, 2013

180 Day Expiration Date: August 12, 2013

Mike Beason

FEB 19 2013

Honolulu, HI 96815

Dear Mr. Beason,

NOTICE OF ACCEPTANCE AND ENVIRONMENTAL DETERMINATION
Conservation District Use Application (CDUA) File No. HA-3656
(DEPARTMENTAL PERMIT)

This acknowledges the receipt and acceptance for the processing of your CDUA regarding a proposal to install a temporary telecommunications facility to provide LTE coverage to the nearby Kona Airport and surrounding area by Verizon Wireless. The project is located in the North Kona District, Island of Hawaii on Tax Map Key (TMK): (3) 7-3-049:038 within the Conservation District General Subzone.

DISCUSSION:

The permittee is proposing to place a mobile cellular-on-wheels (COW) telecommunications "equipment platform" on the subject parcel. The proposed project includes the placement of the COW which is approximately 9-foot wide by 30-foot long, and will include a 20-foot by 40-foot work area, temporary fencing around the work area, guy wire supports (at a 70-foot radius), and concrete blocks (as guy-wire counterweights) resting on wood pallets for support. The telescoping pole can be extended to reach 40-feet in height and panel type antennas will be mounted at the top of the pole for the proposed Long Term Expansion (LTE) service. The COW and associated structures will be located near an existing 100-foot tall AM radio tower and existing equipment shed and will be sited at-grade to minimize ground disturbance. An emergency generator will also be included on the COW with a supporting dual walled diesel fuel tank for emergency power generation. A temporary power and telephone line will connect the new facility to the existing utilities located nearby.

The applicant is proposing this project as a temporary facility to deploy LTE services for the Kona Airport and surrounding area as part of a state wide implementation plan by Verizon Wireless. The site is proposed to be in use as a temporary facility for approximately 2-3 years while Verizon Wireless prepares environmental studies and documentation to support an application for a future proposed permanent facility on this parcel.

EXHIBIT D

ANALYSIS:

After reviewing the application, we find that:

1. The placement of a new telecommunications tower in the Conservation District General Subzone is an identified land use pursuant to Hawaii Administrative Rules (HAR) §13-5-22, P-14, **TELECOMMUNICATIONS**, (C-1) *Construction of a new tower at an existing site that is lower than existing towers and does not result in adverse visual impacts, and that is part of a site and system master plan.* This use will require you to submit a Conservation District Use Application (CDUA) and all associated documents for a Departmental Permit;
2. Pursuant to HAR §13-5-40, **HEARINGS**, a public hearing will not be required; and
3. Pursuant to HAR §11-200-8, **Exempt Classes of Action**, (3) *Construction and location of single, new, small facilities or structures and the alteration and modification of the same and installation of new, small equipment and facilities and the alteration and modification of same;* and (4) *Minor alterations in the conditions of land, water, or vegetation.* Therefore your proposal is exempt from the requirement of submitting an Environmental Assessment (EA) for the proposed land use.

The proposed project is located outside the Special Management Area (SMA) and is therefore exempt from obtaining SMA approval from the County of Hawaii.

OCCL will submit a copy of the conservation district use application for publication in the **February 26, 2013** edition of the Office of Environmental Quality Control's *Environmental Notice*. The public comment period on the application will run from **March 8, 2013** to **April 8, 2013**. We will forward any comments to you for a response. The CDUA will be given to the Chairperson for their consideration after all reviews and evaluations of the proposal have been made.

Should you have any questions, please contact Alex J. Roy at the Office of Conservation and Coastal Lands at 808-587-0316.

Sincerely,



WILLIAM J. AILA Jr., Chair
Board of Land and Natural Resources

CC: *Hawaii Land Board Member*
DLNR – HDLO, Engineering, SHPD
County of Hawaii – Planning Department
Pu'u Anahulu Community Assoc., 71-1490 Hawaii Belt Road, Kailua-Kona, HI 96740
Kailua-Kona Public Library, 75-138 Hualalai Rd, Kailua-Kona, HI 96740

EXHIBIT D

NEIL ABERCROMBIE
GOVERNOR OF HAWAII



WILLIAM J. AILA, JR.
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

EXEMPTION NOTIFICATION

Regarding the preparation of an environmental assessment pursuant to Chapter 343, HRS and Chapter 11-200, HAR

Project Title:	Issuance of Revocable Permit to Cellco Partnership, dba, Verizon Wireless for Temporary, Wireless Telecommunication Site Purposes.
Project / Reference No.:	PSF No.: 12HD-161
Project Location:	Kalaoa, North Kona, Hawaii, Tax Map Key: 3 rd / 7-3-049: portion of 038.
Project Description:	Issuance of Revocable Permit to Cellco Partnership, dba: Verizon Wireless for Temporary, Wireless Telecommunication Site Purposes.
Chap. 343 Trigger(s):	Use of State Lands.
Exemption Class No. and Description:	In accordance with Hawaii Administrative Rule Sections 11-200-8(a)(1) & (4) and the Exemption List for the Department of Land and Natural Resources approved by the Environmental Council and dated December 4, 1991, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 1 , which states, "Operations, repairs or maintenance of existing structures, facilities, equipment or topographical features, involving negligible or no expansion or change of use beyond that previously existing." And Exemption Class No. 4 , which states, "Minor alterations in the conditions of land, water or vegetation."
Exemption Item Description from Agency Exemption List:	Operations, repairs or maintenance of existing structures, facilities, equipment or topographical features, involving negligible or no expansion or change of use beyond that previously existing.

EXHIBIT E

Minor alterations in the conditions of land, water or vegetation.

Parties Consulted:

State Historic Preservation Division and Office of Conservation and Coastal Lands.

Recommendation:

It is recommended that the Land Board find that the above request is exempt from Chapter 343, HRS, as it will probably have minimal or no significant effect on the environment and is presumed to be exempt from the preparation of an environmental assessment. The subject site has been in continued use as a radio tower site since August 1987. The proposed use by Mahalo Broadcasting and Cellco Partnership (Verizon Wireless) will involve negligible or no expansion or change of use beyond that previously existing.



William J. Aila, Jr., Chairperson



Date