

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

April 25, 2014

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

PSF No.: 14KD-051

Kauai

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

APPLICANT:

United States 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:

Direct Lease for Five (5) years commenced June 17, 2014 and June 16, 2019.

ANNUAL RENT:

Gratis

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with Hawaii Administrative Rule Section 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." See Exhibit B.

DCCA VERIFICATION:

N/A as lease held by Government Agency.

REMARKS:

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

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

By letter dated May 4, 2010 the Department of the Air force requested an extension of the lease for an additional five (5) years, beginning June, 17, 2009 and ending on June 16, 2014. (See Exhibit C). This was considered an after-the-fact extension of lease because the commencement date had already passed.

By letter dated March 3, 2014, the Department of the Air Force is requesting another extension to the lease, Supplemental Agreement No. 8, which would begin on June 17, 2014 and end on June 16, 2019. The total lease term will be fifty-five (55) years on June 16, 2019.

No comments were solicited from other government or community agencies.

Staff has no objection to the request.

RECOMMENDATION: That the Board:

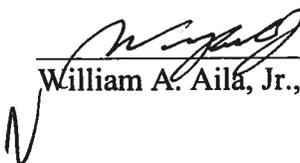
Authorize the extension of General Lease No. S-4259, to the United States of America, Department of the Air Force, from June 17, 2014 to June 16, 2019, under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:

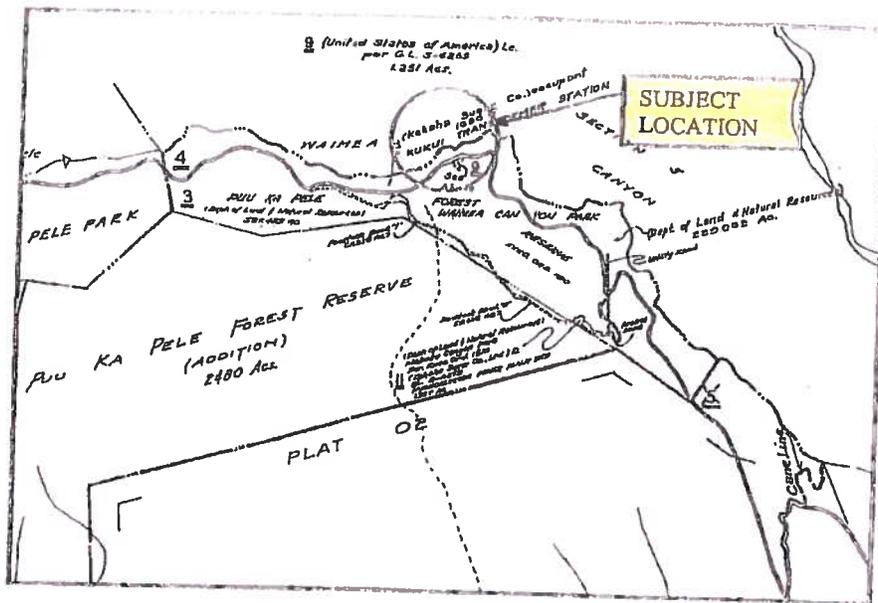
1. That the applicant continue to submit any sublease agreement with any potential user of the site to the Board for its consent prior to user occupying the site.
2. That the applicant continue to adhere to all other terms and conditions of General Lease No. S-4259.
3. Such other conditions as may be prescribed by the Chairperson to the best serve in the interests of the State.

Respectfully Submitted,

  
\_\_\_\_\_  
Marvin Mikasa  
Acting District Land Agent

APPROVED FOR SUBMITTAL:

  
\_\_\_\_\_  
William A. Aila, Jr., Chairperson



Tax Map Key: 1-2-001: 009

EXHIBIT A

NEIL ABERCROMBIE  
GOVERNOR OF HAWAII



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



**STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
LAND DIVISION**

3060 Eiwa Street, Room 208  
Lihue, Hawaii 96766  
PHONE: (808) 274-3491  
FAX: (808) 241-3535

## EXEMPTION NOTIFICATION

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

**Project Title:** Extension of Lease Term for General Lease No. S-4259  
(Contract No. DACA84-5-70-16) to the United States of America,  
Department of the Air Force

**Project / Reference No.:** 14KD-051

**Project Location:** Waimea, Kauai, Hawaii, Tax Map Key: (4) 1-2-001:009

**Project Description:** Extension of Lease Term for five (5) additional years.

**Chap. 343 Trigger(s):** Use of State Land

**Exemption Class No.:** In accordance with Hawaii Administrative Rule, Section 11-200-8(a)(1)(4), 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".

This Division has permitted similar extensions in the past. The proposed extension is of a similar type and scope of activities that periodically occurred and continues to occur on this and other areas across the State. Such activities have resulted in no known significant impacts, whether immediate or cumulative, to the natural, environmental and/or cultural resources in the area. As such, staff believes that the proposed extension would involve negligible or no expansion or change in use of the subject area beyond that previously existing.

**EXHIBIT B**

Recommendation:

It is recommended that the Board find that this request will probably have minimal or no significant effect on the environment and is presumed to be exempt from the preparation of an environmental assessment.

  
\_\_\_\_\_  
William J. Aila, Jr., Chairperson

  
3/25/14  
\_\_\_\_\_  
Date



REPLY TO  
ATTENTION OF:

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

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 " c "**