

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

December 9, 2016

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

MOA #4210  
Statewide

Issuance of License Agreements by the Board of Land and Natural Resources to the Department of Defense for Installation, Operation and Maintenance of Civil Defense Warning Sirens on Land under the Direct Management of the Department of Land and Natural Resources, Statewide, at the following TMK Nos:

(1) 1-5-041:006, (1) 8-2-001:001, (1) 4-6-005:009, (1) 5-6-001:024,  
(1) 5-3-011:009, (1) 4-1-015:016, (1) 2-3-037:012, (2) 2-1-006:030, (2) 1-3-005:009, (2) 1-4-007:009, (3) 6-6-002:005, (3) 1-3-007:026, and (3) 8-9-004:008

APPLICANT:

Department of Accounting and General Services (“DAGS”) on behalf of the Department of Defense (“DOD”).

LEGAL REFERENCE:

Sections 171-11, Hawaii Revised Statutes (“HRS”), as amended.

LICENSE AREA:

Typically for each location, 16 square feet, more or less, located within the sites as shown on **Exhibits A – A13**.

TABLE 1: ZONING AND TRUST LAND STATUS:

Tax Map Key No.	State LUD	County CZO	Trust Land Status
(1) 1-5-041:006 Sand Island State Recreation Area	Urban	I-2, I-3, P-2	PL-88-233
(1) 8-2-001:001 Makua Cave	Conservation	P-1	5(b)

(1) 4-6-005:009 Heeiea State Park	Urban	P-1, P-2	Acquired after 8/59
(1) 5-6-001:024 Malaekahana State Recreation Area	Ag, Urban	R-5	Acquired after 8/59
(1) 5-3-011:009 Sacred Falls Park	Ag, Conservation, Urban	AG-2, P-1, P-2, R-5	Acquired after 8/59
(1) 4-1-015:016 Waimanalo Town BWS	Urban	B-1, F-1, R-5	5(b)
(1) 2-3-037:012 Ala Wai Yacht Harbor	Urban	P-2	5(a)
(2) 2-1-006:030 Makena State Park	Ag, Conservation, Rural, Urban	A-2, Beach ROW, Open, PK Park, Proposed Road, R-3	Acquired after 8/59
(2) 1-3-005:009 Waianapanapa State Park	Ag, Conservation	Interim	Acquired after 8/59
(2) 1-4-007:009 Hamoa – 2	Ag, Conservation, Rural	Ag, Interim	5(b)
(3) 6-6-002:005 Hapuna Beach State Recreation Area	Conservation, Urban	Open	5(b)
(3) 1-3-007:026 MacKenzie State Park	Conservation	Open	5(b)
(3) 8-9-004:008 Hoopuloa	Conservation	Open	5(b)

**TABLE 2: CURRENT USE STATUS:**

<b>Tax Map Key No.</b>	<b>Encumbrances</b>
(1) 1-5-041:006	Executive Order (“EO”) 2704 to DLNR, Division of State Parks (“DSP”) for park purposes; EO 1188 to the City and County for Honolulu (“CCH”) for sewer treatment plant; EO 4494 to DLNR, Division of Boating and Ocean Recreation for boat launch purposes; LOD 28835 to Hawaiian Electric Co., Inc. (“HECO”) for utility easement; Land Office Deed (“LOD”) 26186 to CCH for sewer easements; LOD 28274 to CCH for waterline easement; Right-of-Entry 4207 to the University of Hawaii for educational and research purposes
(1) 8-2-001:001	EO 3338 to DLNR, DSP for park purposes; General Lease S-3848 to the United States of America, U.S. Army Engineer Division for military purposes
(1) 4-6-005:009	EO 3519 to DLNR, DSP for park purposes
(1) 5-6-001:024	EO 3928 to DLNR, DSP for park purposes

(1) 5-3-011:009	EO 2830 to DLNR, DSP for park purposes; EO 4446 to DLNR, Division of Forestry & Wildlife for the Kaluanui Natural Area Reserve; LOD 27849 to HECO for utility easement
(1) 4-1-015:016	LOD 29005 to Olomana Estates, LLC for access purposes
(1) 2-3-037:012	EO 1795 to the Board of Harbor Commissioners (“BHC”) for the Ala Wai Boat Harbor; EO 1330 to the BHC for addition to Kewalo and Ala Wai Yacht Basins; EO 2575 to the Department of Transportation, Harbors Division for addition to the Ala Wai Harbor; LOD 28962 to Department of Defense for civil defense sirens
(2) 2-1-006:030	EO 4184 to DLNR, DSP for park purposes; LOD 28699 to Maui Electric Company, Ltd. and Hawaiian Telcom, Inc. for utility purposes
(2) 1-3-005:009	EO 4183 to DLNR, DSP for park purposes
(2) 1-4-007:009	Revocable Permit 7608 to William F. & William G. Jacintho for pasture purposes; LOD 28679 to Hana Beachfront Associates for access and utility easements
(3) 6-6-002:005	EO 2909 to DLNR, DSP for park purposes; LOD 28463 to Verizon Hawaii, Inc. for utility easement
(3) 1-3-007:026	EO 4021 to DLNR, DSP for park purposes
(3) 8-9-004:008	Unencumbered

CHARACTER OF USE:

Civil Defense Disaster Warning and Communication Devices purposes.

CONSIDERATION:

Gratis.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with Hawaii Administrative Rules (“HAR”) Section 11-200-8 and the Exemption List for the Department of Land and Natural Resources approved by the Environmental Council and dated June 5, 2015, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 1, Item 51. See **Exhibit B**.

Also, DAGS’ and DOD’s Declaration of Exemptions from the preparation of an environmental assessment under the authority of Chapter 343, HRS and Chapter 11-200, HAR, for all of the sites listed on Exhibit A have been received.

BACKGROUND:

The DOD is implementing the State’s new civil defenses disaster warning and communications system (the “Project”) throughout the State of Hawaii which is integral



to public safety. DAGS is DOD's agent to implement the Project which involves a major overhaul of the existing siren network.

At its meeting on August 14, 2015, under agenda item D-12, the Board of Land and Natural Resources ("Board") approved the negotiation and execution of a Memorandum of Agreement ("MOA") among the Department of Land and Natural Resources ("Department"), DOD and DAGS for civil defense warning sirens on lands under the direct management of the Department.

At its meeting on December 11, 2015, under agenda item D-13, staff amended the prior Board action of August 14, 2015, based on the recommendation by the Department of Attorney General, to obtain approval from the Board for the license agreements for each siren site and report on compliance with Hawaii Revised Statutes Chapter 343.

On March 18, 2016, MOA #4210 among the Department, DOD and DAGS (**Exhibit C**) was duly executed and provides the framework for the land dispositions for the Project. In accordance with the MOA, a license agreement will be issued for each siren location. The license agreement is designed to be site-specific, includes a site map with drawings of the siren and equipment, together with other terms and conditions required by the Department. A sample for the license agreement is attached as **Exhibit D**.

REMARKS:

Staff now seeks Board approval to issue license agreements for the sites identified in Exhibit A. A draft of this submittal was disseminated to all divisions of the Department, the County Emergency Management Agencies and the Office of Hawaiian Affairs for review and comment. The Division of Aquatic Resources, Division of Boating & Ocean Recreation, Division of Forestry & Wildlife, and Land Division – Oahu District & Hawaii District had no comments or objections. The following divisions provided comments: Division of Engineering (**Exhibit E**), Division of State Parks (**Exhibit F**) and Office of Conservation & Coastal Lands (**Exhibit G**). OCCL asked to be contacted about potential permitting approvals that may be required once project details become available for each site.

Finally, the Commission on Water Resource Management, State Historic Preservation Division, and Land Division – Maui District; the City and County of Honolulu's Department of Emergency Management and the Maui County's Civil Defense; and the Office of Hawaiian Affairs did not respond at the time this submittal was prepared.

RECOMMENDATION: That the Board:

- A. 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 environmental and is therefore exempt from the preparation of an environmental assessment.

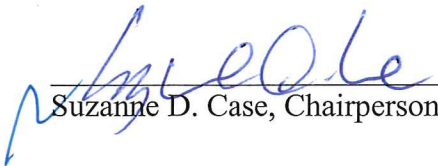
- B. Authorize the issuance of license agreements to the Department of Defense, subject to applicable conditions cited above which are by this reference incorporated herein and further subject to following:
1. The license agreements shall be substantially in the form of Exhibit D attached hereto;
  2. Review and approved by the Department of the Attorney General; and
  3. Other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,



Kevin E. Moore  
Assistant Administrator

APPROVED FOR SUBMITTAL:



Suzanne D. Case, Chairperson

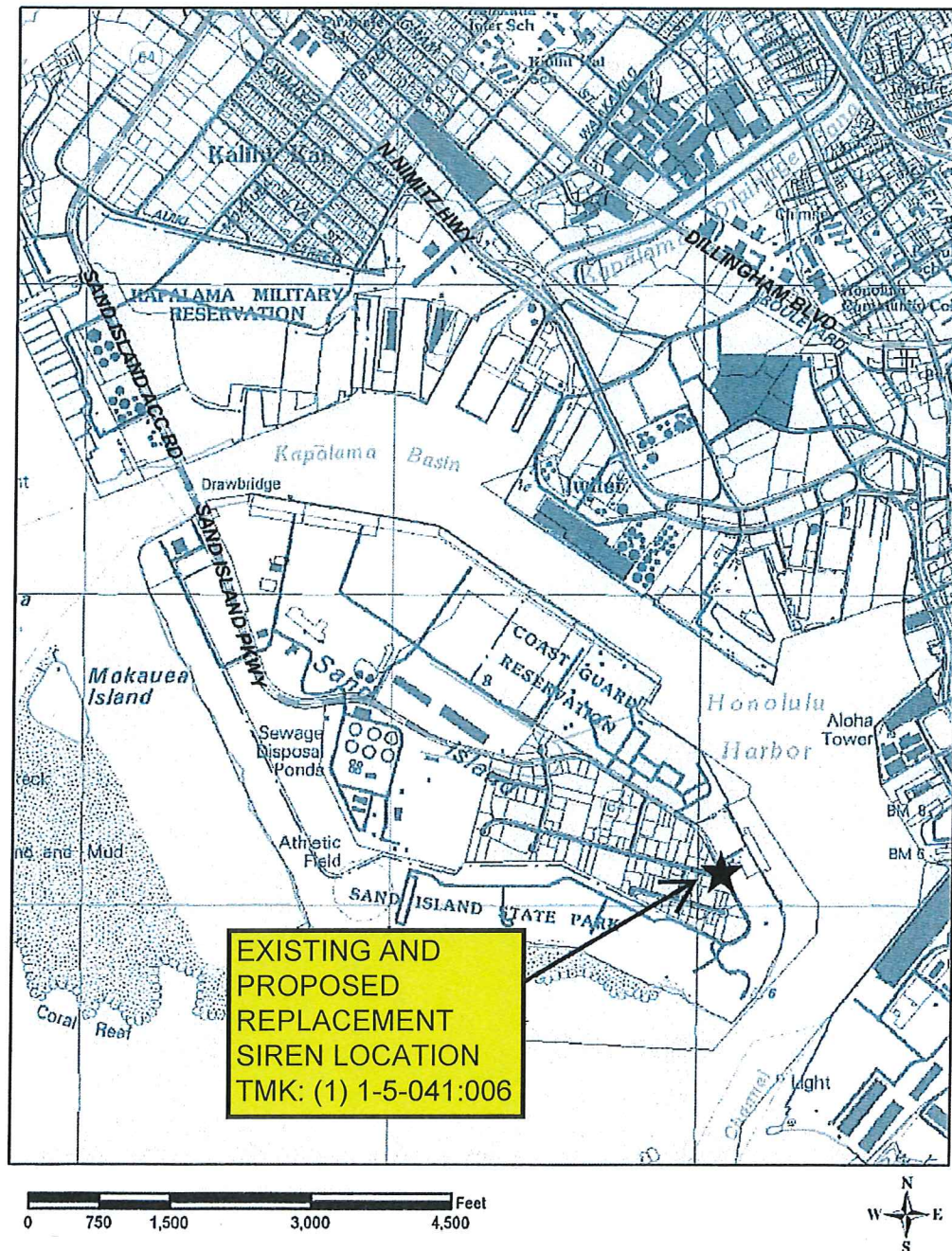
<b>LOCATION (DOD Designated Siren Name)</b>	<b>TMK</b>	<b>Siren ID No.</b>
Sand Island Park	(1) 1-5-041:006	OA131
Makua Cave	(1) 8-2-001:001	OA328
Heeia Kea State Park	(1) 4-6-005:009	OA414
Malaekahana Beach Park	(1) 5-6-001:024	OA429
Sacred Falls Park	(1) 5-3-011:009	OA423
Waimanalo Town BWS	(1) 4-1-015:016	OA402B
Ala Wai Yacht Harbor	(1) 2-3-037:012	OA118A
Big Beach, Makena	(2) 2-1-006:030	MA158
Waianapanapa State Park	(2) 1-3-005:009	MA305
Hamoia - 2	(2) 1-4-007:009	MA304A
Hapuna Beach Park	(3) 6-6-002:005	HA404
MacKenzie State Park	(3) 1-3-007:026	HA941
Hoopuloa	(3) 8-9-004:008	HA707

## **Exhibit A**

## SITE LOCATION MAP

ISLAND: Oahu

SITE NAME: Sand Island Park - OA131



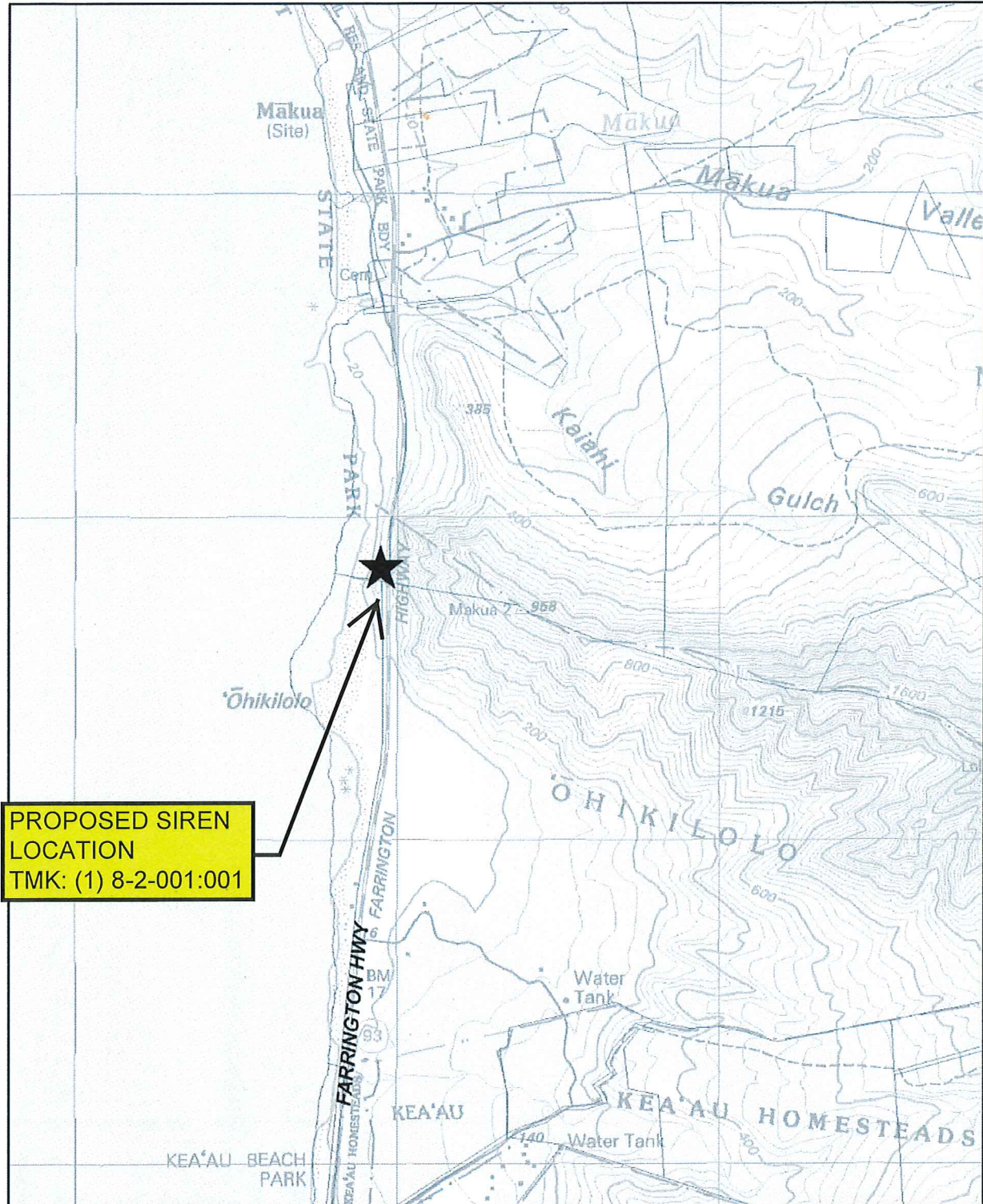
# Exhibit A1



## SITE LOCATION MAP

ISLAND: OAHU

SITE NAME: Makua Cave - OA328



0 750 1,500 3,000 4,500 Feet

### Exhibit A2

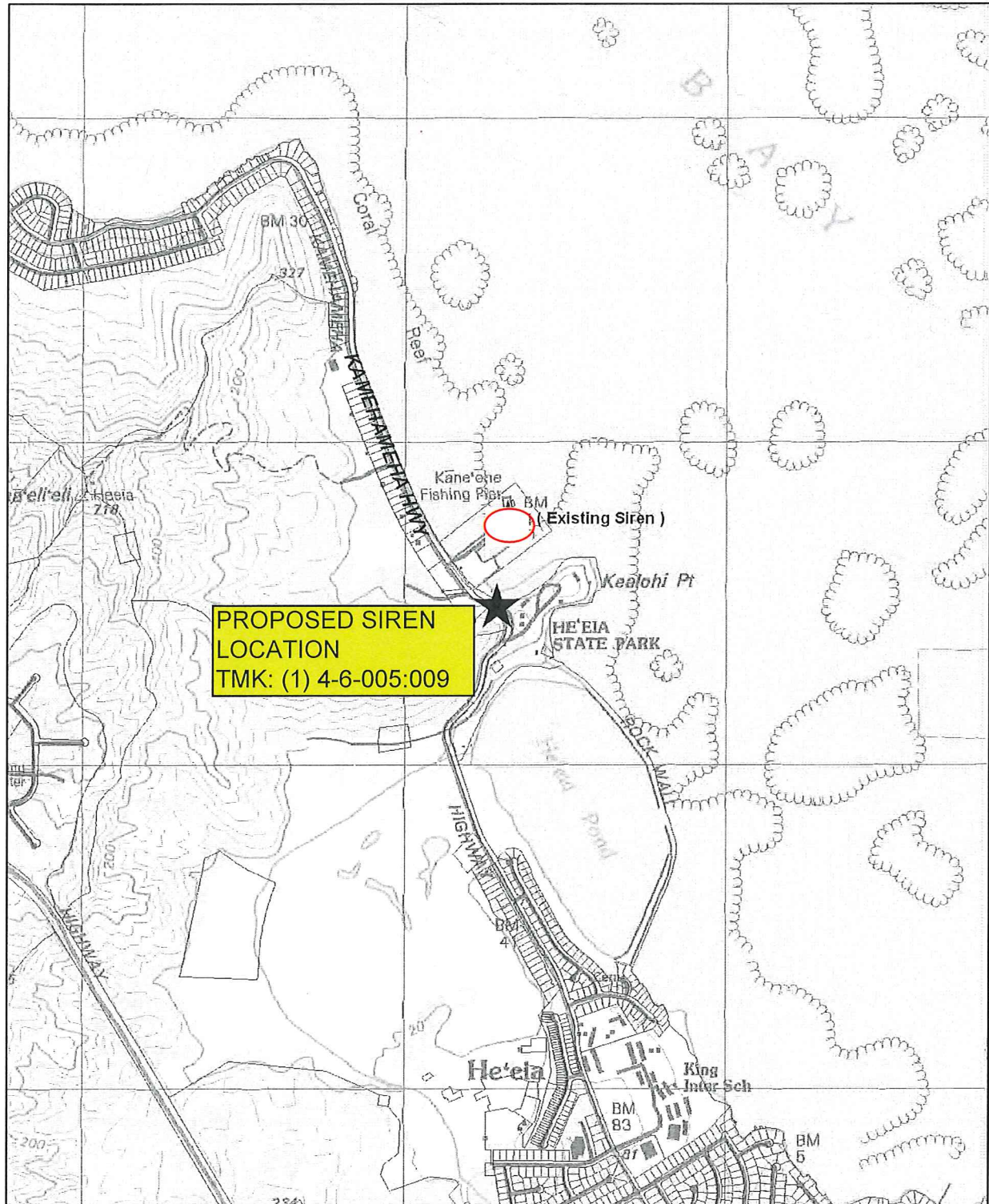




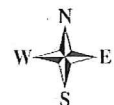
## SITE LOCATION MAP

ISLAND: OAHU

SITE NAME: Heeia Kea State Park - OA414



0 750 1,500 3,000 4,500 Feet



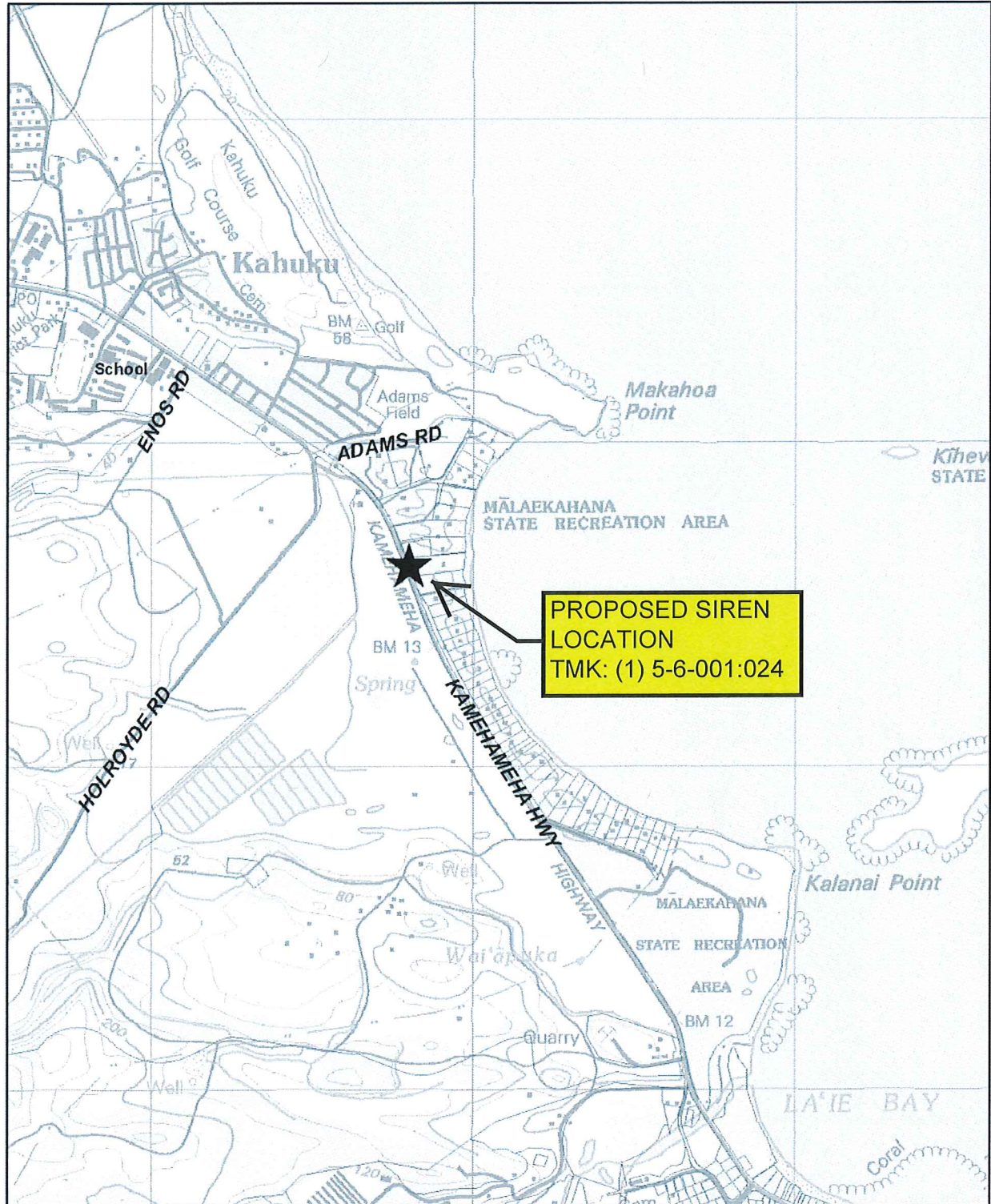
# Exhibit A3



## SITE LOCATION MAP

ISLAND: Oahu

SITE NAME: Malaekahana Beach Park - OA429



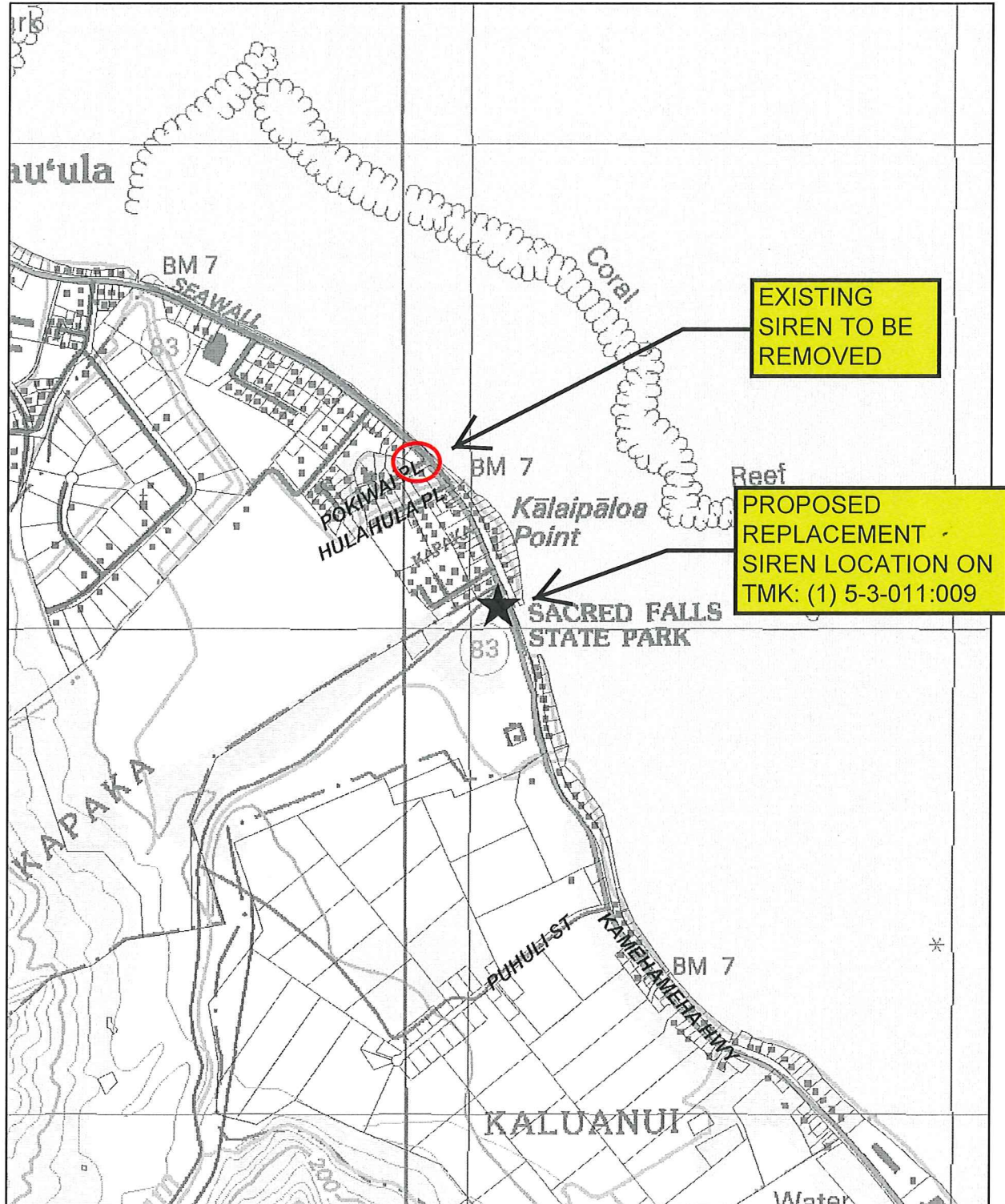
**Exhibit A4**



## SITE LOCATION MAP

ISLAND: OAHU

SITE NAME: Sacred Falls Park - OA423



0 500 1,000 2,000 3,000 Feet

### Exhibit A5



ISLAND: OAHU  
SITE NAME: Waimanalo Town BWS - OA402B



## Exhibit A6



ISLAND: OAHU  
SITE NAME: Ala Wai Yacht Harbor - OA118A



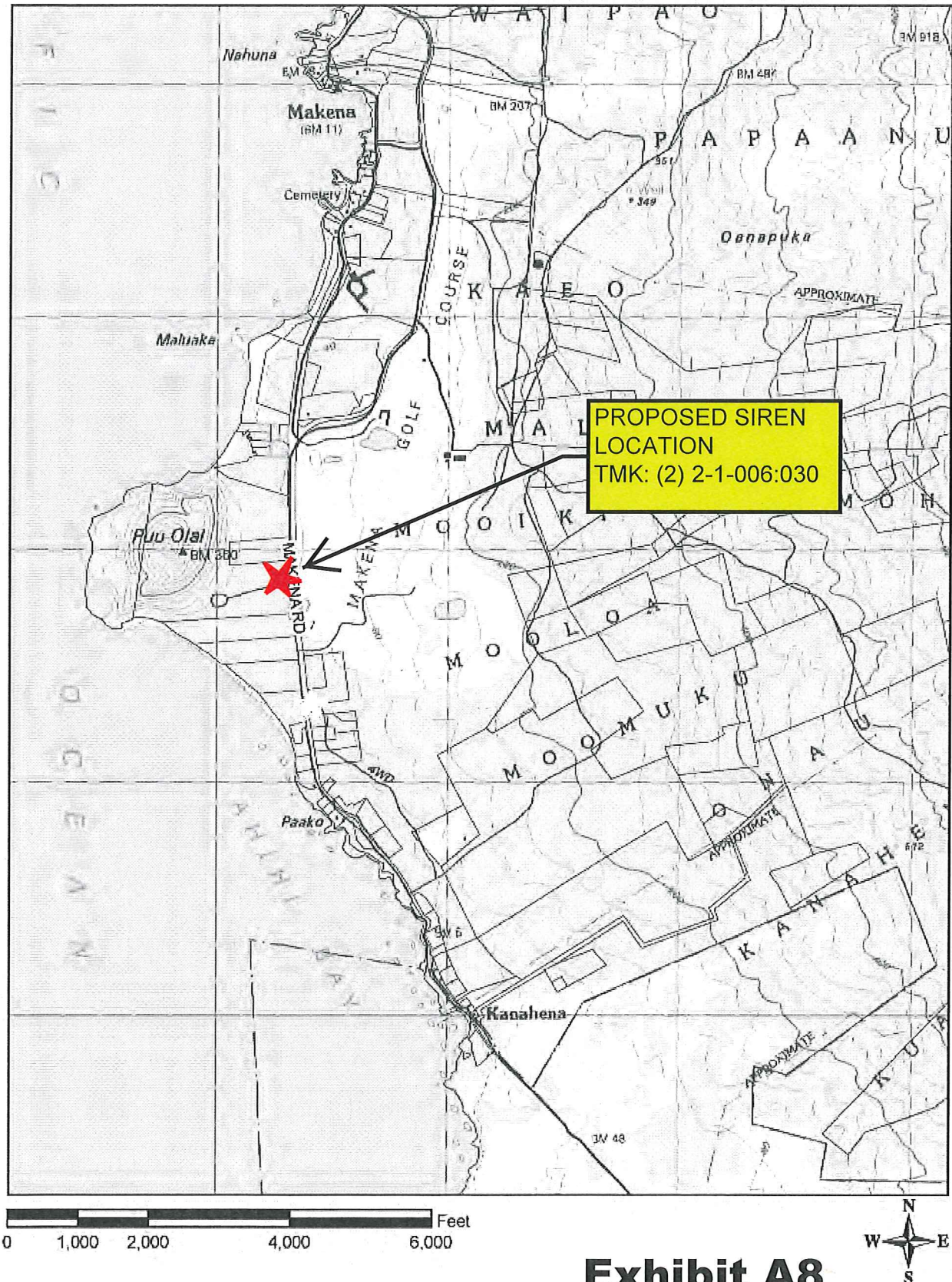
## Exhibit A7



## SITE LOCATION MAP

ISLAND: Maui

SITE NAME: Big Beach, Makena - MA158



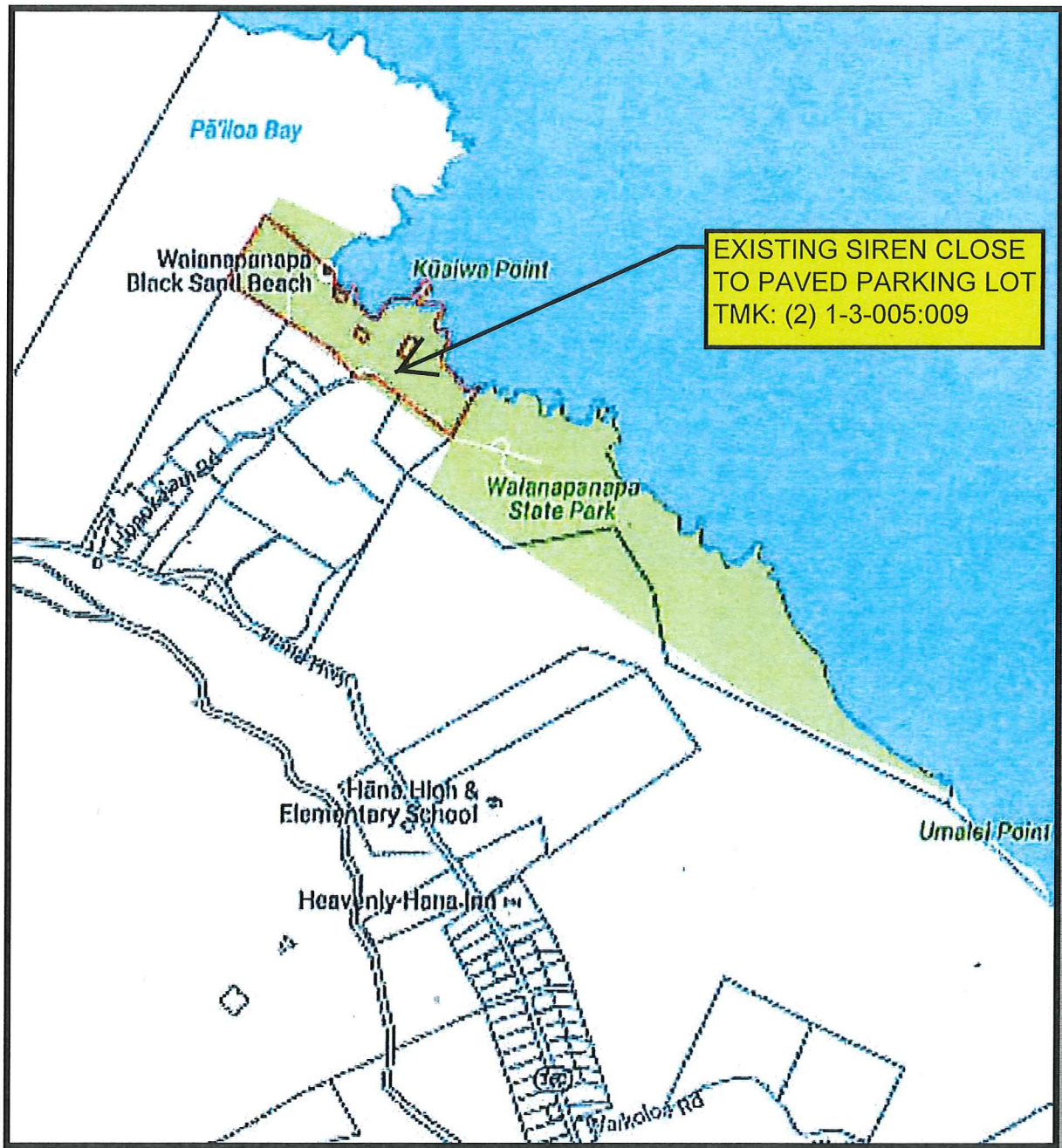
## Exhibit A8



## SITE LOCATION MAP

ISLAND: Maui

SITE NAME: Waianapanapa State Park – MA305



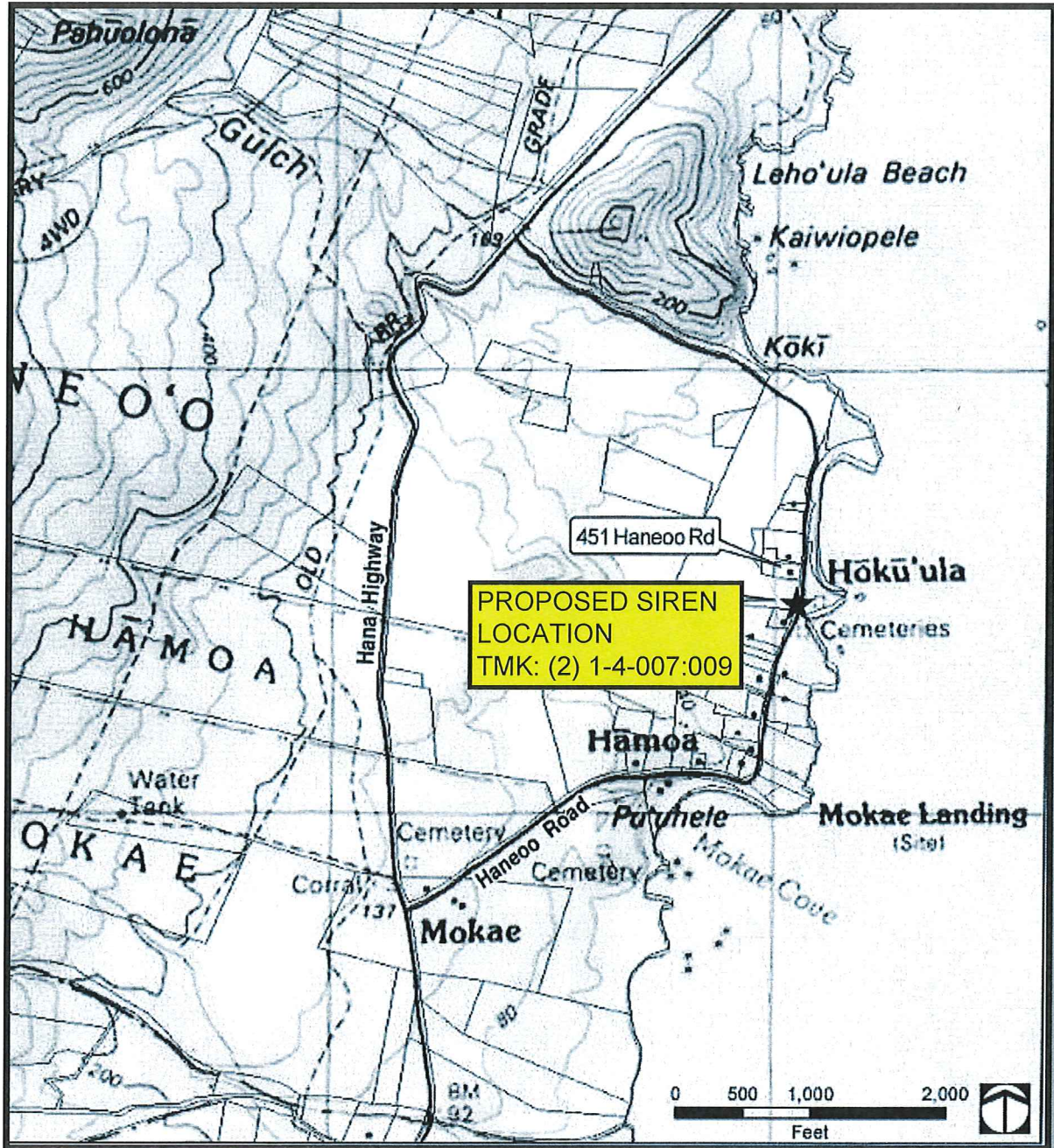
**Exhibit A9**



## SITE LOCATION MAP

ISLAND: Maui

SITE NAME: Hamoa 2 – MA304A



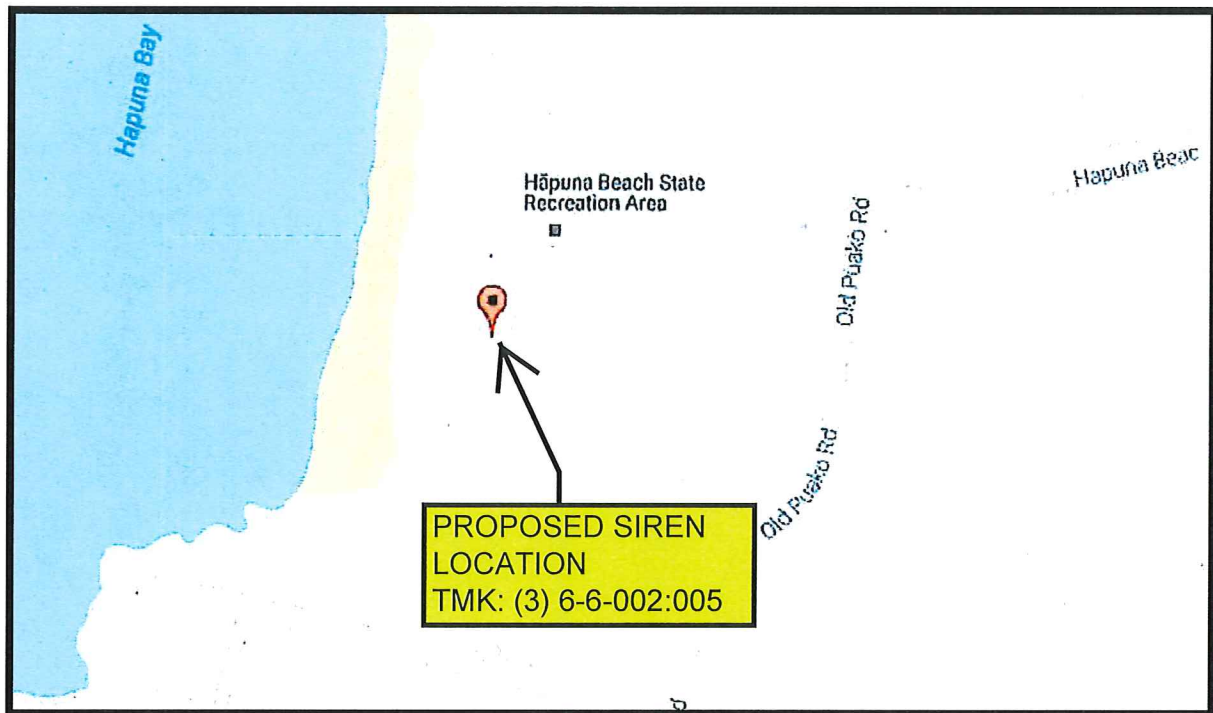
**Exhibit A10**



## SITE LOCATION MAP

ISLAND: Hawaii

SITE NAME: Hapuna Beach Park – HA404



**Exhibit A11**

ISLAND: Hawaii  
SITE NAME: MacKenzie State Park - HA941



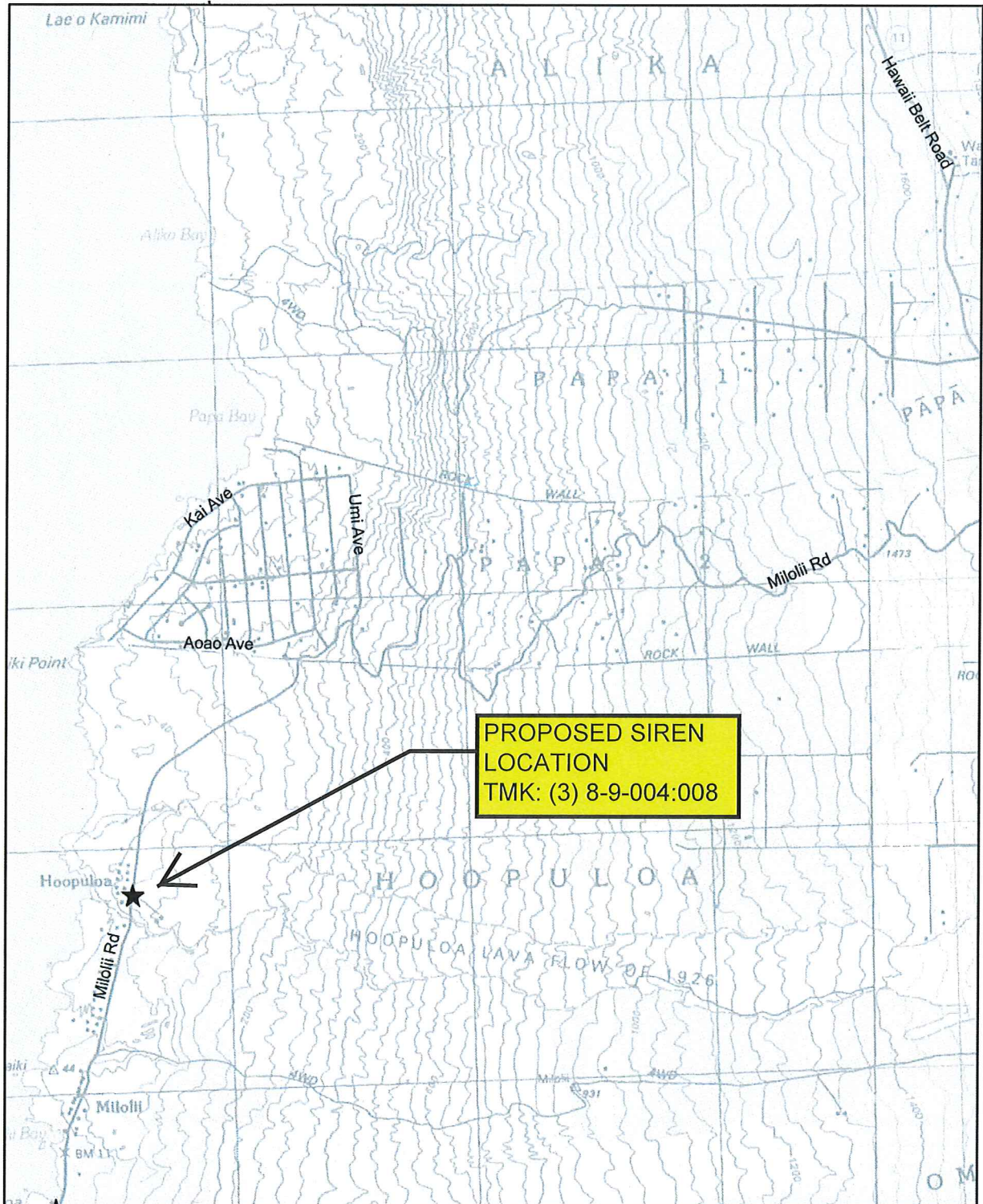
## Exhibit A12



## SITE LOCATION MAP

ISLAND: Hawaii

SITE NAME: Hoopuloa - HA707



0 1,000 2,000 4,000 6,000 Feet

**Exhibit A13**



DAVID Y. IGE  
GOVERNOR OF HAWAII



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

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

December 9, 2016

SUZANNE D. CASE  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT

KEKOA KALUHIWA  
FIRST DEPUTY

JEFFREY T. PEARSON, P.E.  
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

**EXEMPTION NOTIFICATION**

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

Project Title:	Issuances of License Agreement by the Board of Land and Natural Resources to the Department of Defense for Installation, Operation and Maintenance of Civil Defense Warning Sirens on Land under the Direct Management of the Department of Land and Natural Resources
Project / Reference No.:	MOA #4210
Project Location;	Statewide, at the following TMK Nos.: (1) 1-5-041:006, (1) 8-2-001:001, (1) 4-6-005:009, (1) 5-6-001:024, (1) 5-3-011:009, (1) 4-1-015:016, (1) 2-3-037:012, (2) 2-1-006:030, (2) 1-3-005:009, (2) 1-4-007:009, (3) 6-6-002:005, (3) 1-3-007:026, and (3) 8-9-004:008
Project Description:	The Department of Defense is implementing the State's new civil defenses disaster warning and communications system throughout the State of Hawaii which is integral to public safety
Chap. 343 Trigger(s):	Use of State Lands and Funds
Exemption Class No.:	In accordance with the Exemption List for the Department of Land and Natural Resources approved by the Environmental Council and dated June 5, 2016, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 1, item 51, that states "Permits, licenses, registration, and rights-of-entry issued by the Department that are routine in nature, involving negligible impacts beyond that previously existing

**Exhibit B**



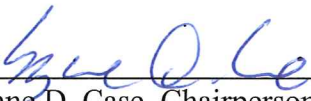
Consulted Parties:

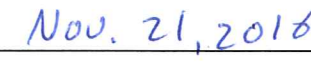
As noted in the submittal

Recommendation:

That the Board finds this project will probably have minimal or no significant effect on the environment and is presumed to be exempt from the preparation of an environmental assessment



  
\_\_\_\_\_  
Suzanne D. Case, Chairperson

  
\_\_\_\_\_  
Date

**MEMORANDUM OF AGREEMENT**  
**AMONG THE**  
**DEPARTMENT OF LAND AND NATURAL RESOURCES,**  
**DEPARTMENT OF DEFENSE,**  
**AND**  
**DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES**

This **MEMORANDUM OF AGREEMENT ("MOA")**, entered into on this 18<sup>th</sup> day of March, 2016, by and among the BOARD OF LAND AND NATURAL RESOURCES, by its Chairperson, whose address is 1151 Punchbowl Street, Honolulu, Hawai'i 96813 ("DLNR"), the DEPARTMENT OF DEFENSE, whose address is 3949 Diamond Head Road, Honolulu, Hawai'i 96816 ("DOD"), and the DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES, whose address is Kalanimoku Building, 1151 Punchbowl Street, Honolulu, Hawai'i 96813 ("DAGS"), collectively, the "Parties".

The purpose of this MOA is to coordinate the implementation, including planning, design and construction, of the State's new civil defense disaster warning and communications systems (the "Project") throughout the State of Hawai'i on lands under the direct control or management of the DLNR. DAGS is DOD's agent to implement the Project which involves a major overhaul of the existing siren network to reinforce the reliability of warning sirens by replacing, installing and/or upgrading sirens at more than 500 sites throughout the four (4) counties and six (6) major islands, statewide, including approximately 25 sites under the direct control or management of the DLNR. Aging siren equipment will be replaced, and the control and communications component on all sirens will be modernized. A streamlined technology with satellite and cellular communication will enable DOD to monitor and control every siren throughout the State from a centralized location.

Hawai'i Revised Statutes ("HRS") Chapter 127A, Emergency Management, §127A-3 provides in part that the Hawaii Emergency Management Agency, established within DOD, shall oversee and coordinate the statewide outdoor siren warning system; monitor and issue alerts and warnings; and coordinate emergency and disaster response and recovery activities. Additionally, HRS §127A-9 provides in part that the State, the county, any owner or operator of a public utility or critical infrastructure facility, and private-sector or nonprofit organizations shall not be civilly liable for the death of or injury to persons, or property damage, as a result of any act or omission in the course of the employment or duties, except in cases of willful misconduct, gross negligence, or recklessness pursuant to this chapter.



At its meeting of August 14, 2015, agenda item D-12, the Board of Land and Natural Resources ("BLNR") authorized the Chairperson to negotiate and enter sign a memorandum of agreement with DOD and DAGS regarding the responsibilities of DLNR, DOD and DAGS for new and existing civil defense warning and communications system sirens on State unencumbered land or land set aside to a division of DLNR.

NOW THEREFORE, in consideration of the mutual covenants and promises herein made, the parties do hereby agree as follows:

1. DOD's responsibilities are as follows:
  - a. Maintain a list of proposed locations for sirens and related equipment.
  - b. Participate in meetings with the DLNR to discuss siren sites.
  - c. Submit listings of siren sites for review and concurrence.
  - d. Seek appropriations for siren warning projects, and where such appropriations are made, fund the design and construction of the sirens and related equipment.
  - e. Initiate negotiating a license agreement(s) with the DLNR (including, without limitation, its Division of State Parks, Land Division, Division of Boating and Ocean Recreation, Division of Forestry and Wildlife, and the Kahoolawe Island Reserve Commission) for existing and new siren sites.
  - f. Ensure that the conditions of access for the installation, operation, repair and maintenance of the sirens and related equipment in the license agreement(s) shall include:
    - 1) DOD's contractor shall obtain a right-of-entry permit for the installation of the siren and related equipment at each siren site.
    - 2) DOD shall require its contractor to procure and maintain, during the life of each right-of-entry permit and any extensions thereof, comprehensive general liability insurance covering bodily injury and property damage with limits not less than \$1,000,000 combined single limit per occurrence and including the following extensions: (1) contractual liability to cover liability assumed under the right-of-entry permit; and (2) all insurance that may be required under the laws, ordinances or rules or regulations of any governmental authority. All required policies of insurance shall name the DLNR, DOD, and DAGS, and their elected and appointed officials, employees and agents as additional insured and provide that the policy will not be canceled, terminated, lapsed, or

materially changed without 30 days' prior written notice to the DLNR.

- 3) DOD's contractor shall maintain and exercise due care to keep the area surrounding the siren site clear and safe for public use during the term of the right-of-entry permit.
- 4) DOD's contractor shall restore the siren site to a condition that is substantially similar to that which existed prior to the commencement of the contractor's activity under each right-of-entry permit.
- 5) DOD, its officers, employees, agents, contractors, and subcontractors shall comply with and satisfy all applicable statutes, ordinances, rules and regulations of the Federal, State and County governments in performing its work at each siren site.
- 6) DOD, through its officers, employees, agents, contractors, or subcontractors shall obtain and ensure compliance with HRS Chapter 343, as amended, prior to the BLNR authorizing the Chairperson to sign a license agreement(s) for new and existing civil defense warning and communications system sirens on State unencumbered land or land set aside to a division of DLNR.

2. DLNR's responsibilities are as follows:

- a. Review the proposed location of the siren sites on lands under the direct control or management of the DLNR.
- b. Seek BLNR approval to locate the sirens on lands under the jurisdiction of BLNR.
- c. Review and approve the construction plans provided by DOD for the installation of the sirens and related equipment.
- d. Subject to BLNR approval, grant DAGS and/or DOD a license to install, operate, and maintain sirens and related equipment on the siren sites.

3. DAGS' responsibilities are as follows:

- a. Provide DOD staff with technical services and overview coordination support for the implementation of DOD siren projects on DLNR controlled siren sites.



- b. Procure the design consultants, negotiate and approve the consultants' fees, prepare the design contracts and make payments using funding appropriated for this purpose.
- c. Oversee the design, bidding, and construction phases of the work in accordance with all applicable regulatory requirements. Prepare the construction contracts and make payments.
- d. When overseeing design and construction phase work for DOD sirens and related equipment:
  - 1) DAGS' consultants and contractors will process a right-of-entry permit for the installation of the siren and related equipment at each siren site.
  - 2) DAGS shall require its consultants and contractors to procure and maintain, during the life of each right-of-entry permit and any extensions thereof, comprehensive general liability insurance covering bodily injury and property damage with limits not less than \$1,000,000 combined single limit per occurrence and including the following extensions: (1) contractual liability to cover liability assumed under the right-of-entry permit; and (2) products and completed operations coverage; and all insurance that may be required under the laws, ordinances or rules or regulations of any governmental authority. All required policies of insurance shall name the DLNR, its elected and appointed officials, employees and agents as additional insured and provide that the policy will not be canceled, terminated, lapsed, or materially changed without 30 days' prior written notice to the DLNR.
  - 3) DAGS' consultants and contractors shall maintain and exercise due care to keep the area surrounding the siren site clear and safe for public use during the term of the right-of-entry permit.
  - 4) DAGS' consultants and contractors shall restore the siren site to a condition that is substantially similar to that which existed prior to the commencement of the contractor's activity under each right-of-entry permit.
  - 5) DAGS, its officers, employees, agents, consultants, contractors, and subcontractors shall comply with and satisfy all applicable statutes, ordinances, rules and regulations of the Federal, State and County governments in performing its work at each siren site.

4. Modifications. Any extensions, changes or alterations to this MOA shall be agreed to by all affected parties in writing before being undertaken.


5. Termination. Any party to this MOA shall have the privilege, with or without cause, to cancel or annul this MOA at any time upon written notice given thirty (30) days in advance of such termination.

IN WITNESS THEREOF, the parties have executed this MOA on the day, month, and year mentioned above.

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STATE OF HAWAI'I  
DEPARTMENT OF LAND AND NATURAL  
RESOURCES

By   
SUZANNE D. CASE  
Chairperson

APPROVED AS TO FORM:

  
Deputy Attorney General

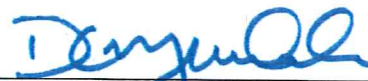
STATE OF HAWAI'I  
DEPARTMENT OF DEFENSE

By   
ARTHUR J. LOGAN  
Adjutant General


APPROVED AS TO FORM:

  
Deputy Attorney General

STATE OF HAWAI'I  
DEPARTMENT OF ACCOUNTING AND  
GENERAL SERVICES

By   
DOUGLAS MURDOCK  
Comptroller

APPROVED AS TO FORM:

  
Deputy Attorney General

**LICENSE AGREEMENT  
(SAMPLE)**

THIS LICENSE AGREEMENT entered into this \_\_\_\_\_ day of \_\_\_\_\_, 201\_\_, by and between the STATE OF HAWAII by its Board of Land and Natural Resources, whose address is 1151 Punchbowl Street, Honolulu, Hawaii 96813, hereinafter called the "Licensor," and the STATE OF HAWAII by its Department of Defense, whose address is 3949 Diamond Head Road, Honolulu, Hawaii 96816, hereinafter called the "Licensee."

W I T N E S S E T H:

WHEREAS, Licensor is the owner or manager of that certain parcel of land more particularly described in Exhibit A attached hereto as the final siren location is approved, and made a part hereof (hereinafter referred to as the "parcel"); and

WHEREAS, Licensee desires to license a portion of the parcel for the installation, operation and maintenance of a civil defense disaster warning and communication device, together with improvements, equipment, facilities and appurtenances related thereto; and

WHEREAS, Licensor does not object to granting Licensee an non-exclusive license over the parcel provided Licensee fully complies with the terms and conditions set forth below;

NOW, THEREFORE, in consideration of the mutual covenants and promises herein made, the parties do hereby agree as follows:

1. Purpose of License. It is mutually agreed and understood by and between the parties that the primary purpose for this License is to improve and expand emergency and civil defense

**Exhibit D**



. communications in times of disaster or national emergency

2. Grant of License. Licensors hereby grants Licensee a revocable non-exclusive license to install, operate and maintain a civil defense disaster warning and communication device, together with improvements, equipment, facilities and appurtenances related thereto (hereinafter referred to as the "Equipment") in portions of the parcel ("Siren Site") and the right of ingress to and egress from the said Equipment and parcel. This License shall not be construed to include the granting of any permanent rights, ownership, title, or easements in the parcel.

3. Licensed Area. The Siren Site subject to this license is siren number OA131 (Siren Name Designation: Sand Island Park). Licensee shall obtain Licensors approval of the final location, for siting of the equipment, and official siren location name designation.

4. License Term. This License shall become effective on the day and year first above written, and shall continue in full force and effect for until such time that either Licensors or Licensee choose to terminate this License upon giving one (1) year written notice.

5. Right to Construct the Equipment. Licensee may construct and maintain the Equipment on, within, under, over and across the Siren Site provided that Licensee obtains the Licensors written approval of the plans and specifications for the Equipment and any subsequent alterations thereto prior to commencing the construction of any portion of the Equipment on the Siren Site. Licensee shall be solely responsible for all costs and expenses incurred in connection with the Equipment and the maintenance of the Equipment, including but not limited to, all design, planning, engineering, construction, alteration and maintenance costs and expenses.

6. Equipment. The initial installation of the Equipment shall be comprised of a solar powered siren attached to a composite pole which will be tested once a month as shown on Exhibit

"B," attached hereto and made a part hereof. No electrical connection or underground utility trenching are required or shall be allowed unless it is found that the photovoltaic panel cannot provide the necessary power to re-charge its batteries.

7. Maintenance. Licensee shall, at its sole cost and expense, maintain said Equipment and appurtenances relating thereto in a good, safe and workmanlike manner, including, but not limited to, making all necessary repairs to the Equipment, and shall not make, permit or suffer any unlawful, improper or offensive use of the Siren Site.

8. Damage. Licensee shall not damage, undermine or otherwise destroy any portion of the Siren Site, including, without limitation, any Licensor facilities or improvements situated on or near the Siren Site or any equipment or appurtenances relating thereto, including, but not limited to drainage system, irrigation, landscaping, and underground utility systems. Licensee shall, at its sole cost and expense, repair, restore and reconstruct that portion of said Siren Site so damaged, undermined or destroyed, including any and all affected facilities, improvements, equipment and appurtenances.

9. Reservation of Rights. Licensor reserves unto itself the full use and enjoyment of the Siren Site and to grant to others rights and privileges for any and all purposes affecting the Siren Site, all without charge by and without the consent of Licensee, provided that such use by Licensor and/or third parties does not unreasonably interfere with Licensee's rights to use the Siren Site under this License. Licensee shall take steps necessary to ensure that its exercise of the rights and privileges granted hereunder does not cause any substantial interference with Licensor's operations in or near the Siren Site.



10. Licensors Work Within or Affecting the Siren Site. If Licensor decides to perform any work of any kind within, on, over, under, across, near, or affecting the Siren Site, Licensor will coordinate such work with Licensee. Licensee shall not prevent Licensor from performing such work, provided, however, that Licensor will take protective measures to assure that such work does not unreasonably interfere with Licensee's Equipment or use of the Siren Site for the purpose of performing routine or necessary maintenance of the Equipment including the use of a bucket truck.

11. Ownership of Equipment. The Equipment and appurtenances and all equipment and tools for the maintenance and use thereof placed in or upon the Siren Site shall remain the property of Licensee and may be removed by Licensee at its own cost and expense at any time during the life of this License and shall be removed within a reasonable time from the date of receiving written notice from Licensor to change the location of said Equipment and appurtenances or any part thereof upon the said described property. Licensee shall not in any way alter or relocate said Equipment on the Siren Site without prior written consent of Licensor. Upon removal or relocation of said Equipment and appurtenances, Licensee shall restore the Siren Site to as good a condition as existed prior to the commencement of this License.

12. Removal of Equipment. If Licensor shall at any time in the future deem it necessary to use the Siren Site for any public purpose and/or physical expansion of its current operations, Licensee shall remove, at its own cost and expense, its Equipment and its appurtenances from the Siren Site, and without any liability on the Licensor's part; provided, however, that the Licensor shall give Licensee at least one (1) year prior written notice of any requirement for such removal.

13. Assignment. Licensee shall not transfer or assign this License or sublet any part of the Siren Site or grant any interest, privilege or license whatsoever in connection with this License or the Siren Site.

14. Damages or Injury. Licensors and Licensee understand and recognize that by entering into this License, that both are engaged in a civil defense function as contemplated in Hawaii Revised Statutes, Chapter 127A, as amended. Neither Licensors nor Licensee shall be civilly liable for the death of or injuries to persons or property damage, as a result of any act or omission in the course of the employment or duties under Hawaii Revised Statutes Chapter 127A, as amended.

15. Waiver of Claims. Nothing contained in this Agreement shall be construed by any party as a waiver of any immunity currently authorized by law or that may in the future be so authorized.

16. Insurance. Licensee shall require its consultants and contractors to procure and maintain, during the life of each right-of-entry permit and any extensions thereof, comprehensive general liability insurance covering bodily injury and property damage with limits not less than \$1,000,000 combined single limit per occurrence and include the following extensions: (1) contractual liability to cover liability assumed under the right-of-entry permit; and (2) all insurance that may be required under the laws, ordinances or rules or regulations of any governmental authority. All required policies of insurance shall name the Licensors and Licensee and their elected and appointed officials, employees and agents as additional insured and provide that the policy will not be canceled, terminated, lapsed, or materially changed without 30 days prior written notice to the Licensors and Licensee.



17. Abandonment. This License and all of Licensee's rights hereunder shall terminate, without any action on the part of Licensors, in the event of non-use or abandonment by Licensee of the Siren Site, or any portion thereof, for a period of one (1) year.

18. Removal upon Termination. Upon termination or cancellation of this License, Licensee shall, at its sole cost and expense, remove any and all portions of the Equipment installed or constructed on, within, under, over or across the Siren Site and any improvements, equipment, facilities, components and appurtenances relating thereto and restore the Siren Site to as good a condition as existed prior to the installation of this License, satisfactory to the Licensors, and if Licensee fails to restore the Siren Site to a condition satisfactory to the Licensors, Licensors shall have the right to charge Licensee, and Licensee shall be solely responsible for, any and all costs and expenses incurred by Licensors in completing and accomplishing such restoration, including, but not limited to any costs the Licensors incur in removing and disposing of Licensee's Equipment.

19. Default.

i) Notice of default. If Licensee defaults on or otherwise fails to perform its obligations under this License, Licensors will issue a written notice of default to Licensee by certified mail, return receipt requested.

ii) Licensee to cure defaults. Any and all defaults or failures to perform contained in such notice of default must be resolved and remedied to the Licensors's satisfaction within fifteen (15) days of the date of the Licensors's written notice to Licensee or such further time as may be authorized by the Licensors in writing. Licensee's failure to construct the Equipment in accordance with the plans and specifications approved by Licensors shall be deemed a default of this License.

iii) Licensors remedies for failure to cure. If Licensee fails to cure said defaults or failures to perform within the required time, the Licensors may, but shall not be obligated to, cure or remedy said defaults or failures to perform and charge any costs and expenses incurred in performing said cure and remedy to Licensee, who shall immediately pay said costs and expenses to the Licensors upon receiving notice from the Licensors.

20. Costs and Attorneys' Fees. In the event of any litigation by reason of this License, Licensors and Licensee agree that each shall be responsible for their own attorney fees and costs and not for the attorney fees and costs of the other party. Nothing contained herein shall preclude Licensors or Licensee from pursuing an award of attorney fees and costs against any third party in any related litigation.

21. Agreement/Amendments. This License constitutes the entire agreement and understanding of the parties and supersedes all offers, negotiations and other agreements. There are no representations or understandings of any kind not set forth herein. Any amendments of this License must be in writing and executed by both parties.

22. Compliance with Laws. Licensee, at all times during the term of this License, shall comply with all of the requirements of federal, state, and county authorities and shall observe all federal, state and county laws, statutes, ordinances, rules and regulations, now in force or which may hereafter be in force.

23. Binding Effect. All provisions contained in this License shall be binding upon and inure to the benefit of the respective parties, their successors, and officers, agents, and employees or any person acting for and on their behalf.



IN WITNESS WHEREOF, the parties, represented by the Chairperson for the Licensor and the Administrator for the Hawaii Emergency Management Agency for the Licensee, have caused these presents to be executed the day and year first above written.

STATE OF HAWAII  
By its Board of Land and Natural  
Resources

By \_\_\_\_\_  
Suzanne D. Case  
Chairperson  
"LICENSOR"

APPROVED AS TO FORM  
AND LEGALITY:

\_\_\_\_\_  
Deputy Attorney General  
State of Hawaii

STATE OF HAWAII  
By its Department of Defense

By \_\_\_\_\_  
Vern T. Miyagi  
Hawaii Emergency Management Agency  
Administrator  
"LICENSEE"

APPROVED AS TO FORM:

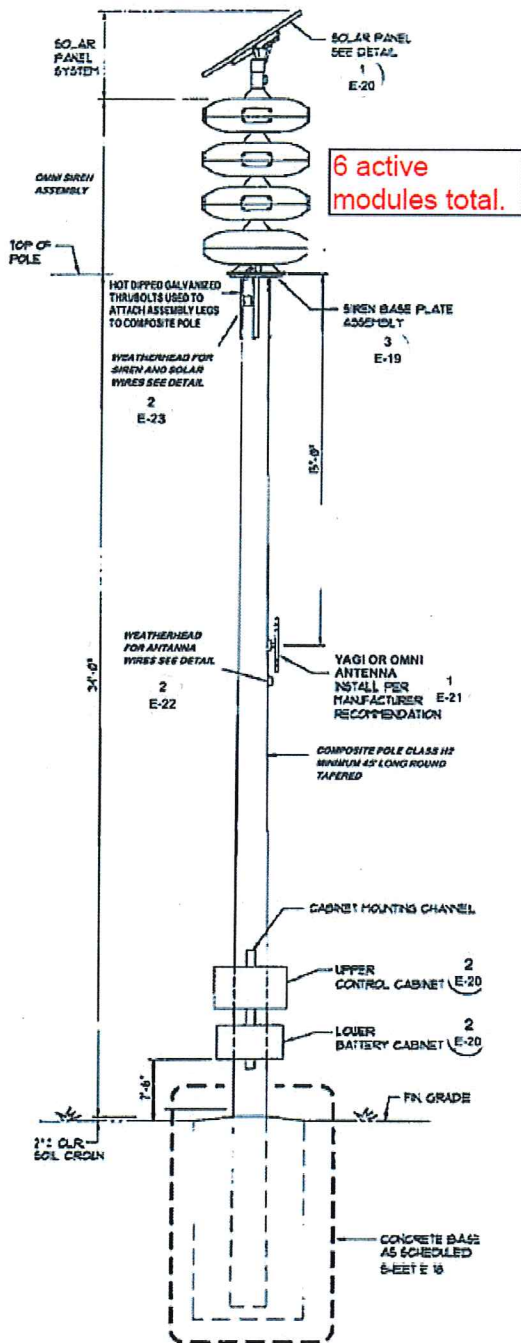
\_\_\_\_\_  
Deputy Attorney General  
State of Hawaii

EXHIBIT A (Page 1 of 2)

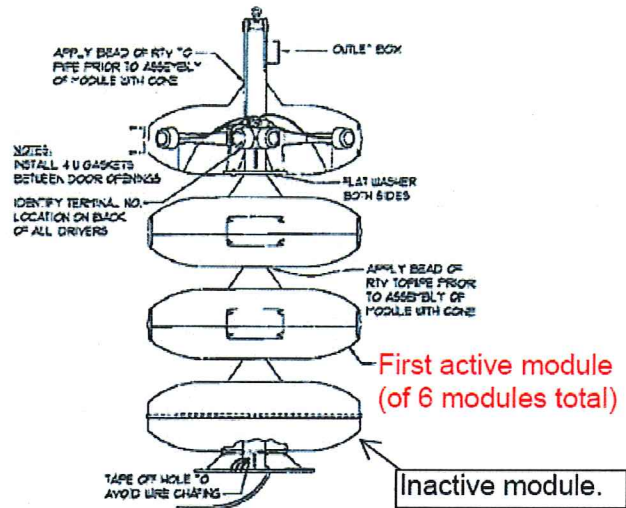
SITE LOCATION MAP



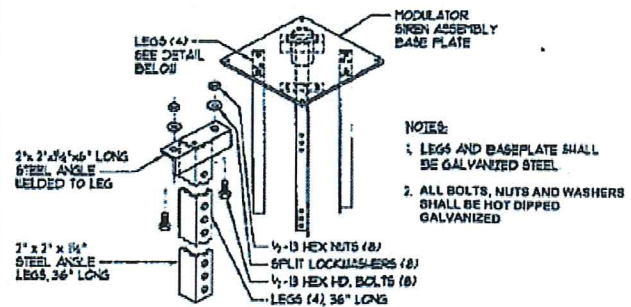
# EXHIBIT B



1 POLE ELEVATION - MOD 6024  
E-19 OMNI EQUIPMENT  
NOT TO SCALE



2 DETAIL - SIREN MOD 6024  
E-19 NOT TO SCALE



3 DETAIL - SIREN BASE PLATE ASSEMBLY  
E-19 NOT TO SCALE

Hawaii State Civil Defense			
POLE ELEVATION, SIREN AND BASEPLATE DETAIL			
Siren Type MOD 6024			
SIZE	FIG. NO.	REV. NO.	REV.
SCALE	NOT TO SCALE	SHEET	1 OF 1

**DEPARTMENT OF LAND AND NATURAL RESOURCES  
ENGINEERING DIVISION**

**To: Land Division**

**Ref: Issuance of License Agreements by the Board of Land and Natural Resources to the Department of Defense for Installation, Operation and Maintenance of Civil Defense Warning Sirens on Land under the Direct Management of the Department of Land and Natural Resourcesw**

**COMMENTS**

The rules and regulations of the National Flood Insurance Program (NFIP), Title 44 of the Code of Federal Regulations (44CFR), are in effect when development falls within a designated Flood Hazard.

The owner or the project property and/or their representative is responsible to research the Flood Hazard Zone designation for the project. Flood Hazard Zone designations can be found using the Flood Insurance Rate Map (FIRM), which can be accessed through the Flood Hazard Assessment Tool (FHAT) (<http://gis.hawaiiinfip.org/FHAT>).

National Flood Insurance Program establishes the rules and regulations of the NFIP - Title 44 of the Code of Federal Regulations (44CFR). The NFIP Zone X is a designation where there is no perceived flood impact. Therefore, the NFIP does not regulate any development within a Zone X designation.

Be advised that 44CFR reflects the minimum standards as set forth by the NFIP. Local community flood ordinances may take precedence over the NFIP standards as local designations prove to be more restrictive. If there are questions regarding the local flood ordinances, please contact the applicable County NFIP Coordinators below:

- Oahu: City and County of Honolulu, Department of Planning and Permitting (808) 768-8098.
- Hawaii Island: County of Hawaii, Department of Public Works (808) 961-8327.
- Maui/Molokai/Lanai County of Maui, Department of Planning (808) 270-7253.
- Kauai: County of Kauai, Department of Public Works (808) 241-4846.

Signed: \_\_\_\_\_

CARTY S. CHANG, CHIEF ENGINEER

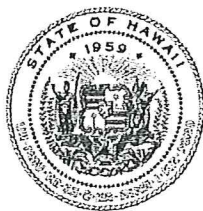
Date: \_\_\_\_\_

OCT 3 - 2016

**Exhibit E**



DAVID Y. IGE  
GOVERNOR OF  
HAWAII



STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

November 10, 2016

SUZANNE D. CASE  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT

KEKOA KALUHIWA  
FIRST DEPUTY

JEFFREY T. PEARSON, P.E.  
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  
KAIHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

MEMORANDUM:

TO: Russell Tsuji, Administrator  
Land Division

ATTN: Lydia Morikawa, Special Projects and Development Specialist

FROM: Curt Cottrell, State Parks Administrator

A handwritten signature in black ink, appearing to read "Curt Cottrell", is written over the name in the "FROM:" line.

SUBJECT: License Agreements with the Department of Defense for the Installation, Operation, and Maintenance of Civil Defense Warning Sirens on Land under the Direct Management of the Department of Land and Natural Resources

State Parks has been in consultation with the Department of Defense (DOD) on the installation of new and replacement warning sirens within the state park system. This consultation has also addressed recreational areas protected under Section 6(f)(3) of the Land and Water Conservation Fund (LWCF) Act of 1965. There are requirements when federal funds through the LWCF program are used to acquire a property or develop the area for public outdoor recreation. Section 6(f) requires that the property be retained in public outdoor recreation in perpetuity. The LWCF program is administered by the National Park Service (NPS) and NPS was consulted previously on the placement of sirens in areas under 6(f) protection. While NPS approved the warning sirens within 6(f) areas, it was with the understanding that these sirens were for public safety and would conform to several requirements imposed by NPS. DOD was informed of these requirements and has taken these requirements into consideration when designing and locating the sirens within 6(f) properties.

Based on the information provided, the locations appear to correspond with sites previously approved by State Parks and NPS. Item 9, Reservation of Rights in the draft License Agreement appears to address the requirement that the siren locations not interfere with any recreational use of the park. This is in keeping with the spirit and intent of the 6(f) requirements.

NPS has also approved these sirens on the condition that they are used solely for the purpose of public safety and the poles are not used for other purpose without NPS permission. We would like to suggest that a clause be included in the agreement that recognizes this restriction for those parks under 6(f) protection. A copy of the letter from NPS that outlines the conditions for allowing sirens in 6(f) areas is attached for your reference.

**Exhibit F**

License Agreements for Civil Defense Sirens  
November 10, 2016  
Page 2

The parks under 6(f) protection on the list provided are:

Oahu: Sand Island State Recreation Area, Heeia State Park, Malaekahana State Recreation Area

Maui: Makena State Park (Oneloa Section), Waianapanapa State Park

Hawaii: Hapuna Beach State Recreation Area

The correct park names are provided above and should be used on the license agreements.

Thank you for the opportunity to review and comment on the draft license agreement. If you have any questions about the LWCF program and the 6(f) requirements, please contact Martha Yent, Hawai'i LWCF Coordinator, at [Martha.E.Yent@hawaii.gov](mailto:Martha.E.Yent@hawaii.gov) or 587-0287.





# United States Department of the Interior

## NATIONAL PARK SERVICE

Pacific West Region  
One Jackson Center

1111 Jackson Street, Suite 700  
Oakland, CA 94607



IN REPLY REFER TO:  
L32 (PWR-PPR)

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DEPT OF LAND &  
NATURAL RESOURCES

February 3, 2012

Ms. Martha Yent  
Hawai'i Division of State Parks  
Department of Land and Natural Resources  
Kalanimoku Building  
1151 Punchbowl Street, Room 310  
Honolulu, Hawai'i 96813

Dear Martha:

This letter is a confirmation of the information that I sent to you via email on Friday, January 27, 2012. After careful consideration I am approving the use of emergency sirens within 6(f)3 boundaries as described in your letter to LWCF Project Officer Gloria Shinn dated September 20, 2010. Thank you for your thorough description of the sirens in that letter.

This approval is limited to the type of emergency sirens described in that letter:

- Approximately 4'x4' (16 gsf) total footprint for each siren
- Solar powered with no overhead electrical lines associated or attached
- Color scheme blends in with natural surroundings as best as can be achieved
- Used solely for the purpose of public safety
- Installed, maintained, and replaced as needed, in perpetuity, by the Hawai'i State Civil Defense agency to comply with the State's public safety laws and regulations
- Located along existing roadways, edges of parks, behind fences and walls, adjacent to other pre-existing infrastructure, and away from recreational resources and facilities to the GREATEST DEGREE POSSIBLE to minimize the physical and visual impacts to outdoor recreation protected by the 6(f)3 boundary
- Located within LWCF-protected areas ONLY when no other reasonable alternatives exist to achieve the necessary PUBLIC SAFETY goals
- The support poles are not used for other purposes without NPS permission and in compliance with LWCF regulations
- Your office (the SLO/staff) continues to keep accurate records on the location of current and future emergency sirens

I recognize that this is a change from the guidance you received from your previous LWCF Project Officer, the recently retired Gloria Shinn (who is greatly missed, although I fear we miss her more than she misses coming to work every day!).

Page 1 of 3

TAKE PRIDE  
IN AMERICA 

The LWCF program attempts to provide consistency in the application of our regulations to provide certainty to our state partners and to protect public investment in, and public access to, the LWCF protected public outdoor recreation estate. However, the LWCF program also recognizes the need to apply LWCF program requirements in a flexible manner given the wide variety of circumstances in which they are applied. In that spirit, this change is based on my interpretation of the LWCF Manual, consultations with my fellow Project Officers in the Pacific West Region, and a general evaluation of the unique public safety needs in the Pacific Rim.

As you know well, the threat of major storms and earthquakes in the Pacific Ocean can create relatively sudden life threatening conditions. The tragic loss of life and massive devastation during Japan's Tōhoku earthquake and tsunami in March 2011 provides a chilling example of what the worst case scenario can look like. While none of us can predict the future, it is clear that some of your State's LWCF-protected parks are potentially exposed to this type of disaster. These sirens could provide a life-saving service to LWCF-protected park users in such an emergency.

Emergency sirens are not specifically referenced in the 2008 LWCF Manual. Infrastructure such as overhead wires and underground utilities are referenced, but solar-powered stand-alone utilities serving this unique public safety purpose are not. Nonetheless, I reviewed the Manual's eligibility criteria (pp. 3-7 and 3-8) as if the sirens were described in a new project application. Below I highlighted the areas that I believe would make installation of the sirens acceptable FOR PUBLIC SAFETY PURPOSES ONLY if they were proposed as part of new grant application in Hawai'i. LWCF would not pay for the sirens, but the sirens may be allowable infrastructure in some circumstances and when installed at the grant sponsor's expense.

### ***"C. Criteria for Development***

#### ***1. Eligible types of projects.***

*LWCF financial assistance may be available for most types of facilities needed for the use and enjoyment of outdoor recreation areas. ...*

#### ***a. Definition of eligible project scope.***

*A development project may consist of one improvement or a group of related improvements **designed to provide basic facilities for outdoor recreation, including facilities for access, safety, health, and protection of the area, as well as those required for the outdoor recreation use of the area.** ...*

#### ***b. Development project design requirements.***

*Plans for the development of land and/or facilities should be based on the needs of the public, the expected use, and the type and character of the project area. Facilities should be attractive for public use and generally be consistent with the environment. Plans and specifications for improvements and/or facilities should be in accord with established engineering and architectural practices. **Emphasis should be given to the health and safety of users, accessibility to the general public, and the protection of the recreation and natural values of the area.** ... "*

Also under the Manual's Section C.4.1 (page 3-12) safety is mentioned as a priority:

"C.4.1. Renovated facilities.

*LWCF assistance may be available for extensive renovation or redevelopment to bring a facility up to standards of quality and attractiveness suitable for public use, if the facility or area has deteriorated to the point where its usefulness is impaired, or outmoded, or where it needs to be upgraded to meet public health and safety laws or requirements. However, such renovation is not eligible if the facility's deterioration is due to inadequate maintenance during the reasonable life of the facility."*

*[emphasis added -- mdroge]*

It is clear that the LWCF Manual prioritizes the public's safety and acknowledges that upgrades may be needed as technology and local safety laws/requirements evolve.

Please note that this is not really an "approval" because there is nothing to "approve". My review of the file indicates that Hawai'i has not submitted an official packet composed of LWCF Amendments, 424's, DNFs, new 6(f)3 maps, PD/ESF, EA/EIS, etc. for NPS evaluation. The file reflects that up to this point the sirens have been discussed through face-to-face and "virtual" discussions about possibilities without any official documentation associated with any formal proposals. Therefore, no federal action has been initiated, NEPA and S.106 compliance have not been triggered, and I see no need for Hawai'i to submit a formal application for conversions associated with this issue.

I hope this clarifies the situation in a satisfactory manner. Please do not hesitate to contact me if you have further questions.

Mahalo,



Martha J. Droge AICP, ASLA, LEED AP  
Program Officer  
National Park Service, State & Local Assistance Programs  
909 First Avenue, 5th Floor  
Seattle, WA 98104-1060  
Phone: 206.220.4122  
Fax: 206.220.4224  
Email: [martha\\_j\\_droge@nps.gov](mailto:martha_j_droge@nps.gov)

Page 3 of 3





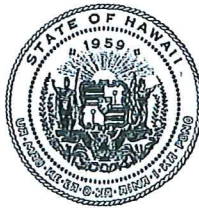
DAVID Y. IGE  
GOVERNOR OF  
HAWAII

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LAND DIVISION



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DEPT. OF LAND &  
NATURAL RESOURCES  
STATE OF HAWAII



STATE OF HAWAII

DEPARTMENT OF LAND AND NATURAL RESOURCES

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

SUZANNE D. CASE  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT

KEKOA KALUHIWA  
FIRST DEPUTY

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AQUATIC RESOURCES  
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CONSERVATION AND RESOURCES ENFORCEMENT

FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

REF: OCCL: AJR

COR: ST-17-82  
OCT 27 2016

### MEMORANDUM

**TO:** LYDIA MORIKAWA, SPECIAL PROJECTS AND DEVELOPMENT SPECIALIST  
DLNR – Land Division

**FROM:** *for* SAMUEL J. LEMMO, ADMINISTRATOR *S. J. Lemmo*  
DLNR – Office of Conservation and Coastal Lands

**SUBJECT:** INSTALLATION, OPERATION, AND MAINTENANCE OF CIVIL DEFENSE  
WARNING SIRENS ON LAND UNDER THE MANAGEMENT OF DLNR  
*State-wide locations on Oahu, Maui, and Hawai'i*  
*TMKs: Various*

Ms. Morikawa,

The Office of Conservation and Coastal Lands (OCCL) is in receipt of your memo regarding the installation, operation, and maintenance of thirteen (13) *Civil Defense Warning Sirens* (CDWS) located in various locations on the islands of Oahu, Maui and Hawai'i.

According to our database, the following CDWS are located on parcels situated within the State Land Use (SLU) *Conservation District* and therefore are under the regulatory authority of this office. The TMK parcels not listed are located in other SLU districts (i.e., Urban, Rural) that are not under the regulatory authority of the OCCL:

#### ***City and County of Honolulu***

Mauka Cave; TMK: (1) 8-2-001:001; Siren ID No. OA328 – *Limited* Subzone

#### ***Maui County***

Waianapanapa State Park; TMK: (2) 1-3-005:009; Siren ID No. MA305 – *Resource* Subzone

#### ***Hawai'i County***

Hapuna Beach Park; TMK: (3) 6-6-002:035; Siren ID No. HA404 – *Resource* Subzone

MacKenzie State Park; TMK (3) 1-3-007:026; Siren ID No. HA941 – *Resource* Subzone

Ho'opuloa; TMK: (3) 8-9-004:008; Siren ID No. HA707 – *General* Subzone

**Exhibit G**

When project details become available for each of the proposed sites, the OCCL requests that this office be notified regarding potential permitting and approvals necessary for any work being conducted on the TMK parcels listed above (within the Conservation District).

If you have any questions regarding this correspondence or the Conservation District rules and procedures, please contact Alex J. Roy, M.Sc. of our Office of Conservation and Coastal Lands staff at 808-587-0316 or via email at [alex.j.roy@hawaii.gov](mailto:alex.j.roy@hawaii.gov)

Thank you.

**DEPARTMENT OF LAND AND NATURAL RESOURCES  
ENGINEERING DIVISION**

**To: Land Division**

**Ref: Issuance of License Agreements by the Board of Land and Natural Resources to the Department of Defense for Installation, Operation and Maintenance of Civil Defense Warning Sirens on Land under the Direct Management of the Department of Land and Natural Resourcesw**

**COMMENTS**

The rules and regulations of the National Flood Insurance Program (NFIP), Title 44 of the Code of Federal Regulations (44CFR), are in effect when development falls within a designated Flood Hazard.

The owner or the project property and/or their representative is responsible to research the Flood Hazard Zone designation for the project. Flood Hazard Zone designations can be found using the Flood Insurance Rate Map (FIRM), which can be accessed through the Flood Hazard Assessment Tool (FHAT) (<http://gis.hawaiiinfip.org/FHAT>).

National Flood Insurance Program establishes the rules and regulations of the NFIP - Title 44 of the Code of Federal Regulations (44CFR). The NFIP Zone X is a designation where there is no perceived flood impact. Therefore, the NFIP does not regulate any development within a Zone X designation.

Be advised that 44CFR reflects the minimum standards as set forth by the NFIP. Local community flood ordinances may take precedence over the NFIP standards as local designations prove to be more restrictive. If there are questions regarding the local flood ordinances, please contact the applicable County NFIP Coordinators below:

- Oahu: City and County of Honolulu, Department of Planning and Permitting (808) 768-8098.
- Hawaii Island: County of Hawaii, Department of Public Works (808) 961-8327.
- Maui/Molokai/Lanai County of Maui, Department of Planning (808) 270-7253.
- Kauai: County of Kauai, Department of Public Works (808) 241-4846.

Signed: \_\_\_\_\_

CARTY S. CHANG, CHIEF ENGINEER

Date: \_\_\_\_\_

OCT 3 - 2016

**Exhibit F**