June 9, 2017

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

Amend Prior Board Action of December 9, 2016, Item D-10, 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

The Purpose of the Amendment is to correct the Tax Map Key reference for the Department of Defense (DOD) siren site at Hapuna Beach Park, Siren ID No. HA404 from TMK: (3) 6-6-002:005 to TMK: (3) 6-6-002:035.

BACKGROUND:

At its meeting of December 9, 2016, Item D-10, the Board of Land and Natural Resources approved the issuance of license agreements to the Department of Defense for thirteen (13) siren sites. One of the sites was incorrectly identified as TMK (3) 6-6-
002:005 for Hapuna Beach Park (Siren ID No. HA-404). The correct tax map key is TMK: (3) 6-6-002:035. A copy of the approved submittal is attached as Exhibit 1 (with Exhibits A - A13 & Exhibit B).

Upon approval of today’s request, staff will work with the Department of the Attorney General to issue the License Agreements for the Island of Hawaii.

RECOMMENDATION: That the Board:

1. Amend its prior Board action of December 9, 2016, Item D-10, to confirm that the correct TMK no. for the Department of Defense siren site at Hapuna Beach Park, Siren ID No. HA404 is TMK No. (3) 6-6-002:035.
2. Except as amended hereby, all terms and conditions listed in the Board’s action of December 9, 2016 shall remain the same.

Respectfully Submittal,

Kevin E. Moore
Assistant Administrator

APPROVED FOR SUBMITTAL:

Suzanne D. Case, Chairperson
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:

<table>
<thead>
<tr>
<th>Tax Map Key No.</th>
<th>State LUD</th>
<th>County CZO</th>
<th>Trust Land Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) 1-5-041:006</td>
<td>Urban</td>
<td>I-2, I-3, P-2</td>
<td>PL-88-233</td>
</tr>
<tr>
<td>Sand Island State Recreation Area</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(1) 8-2-001:001</td>
<td>Conservation</td>
<td>P-1</td>
<td>5(b)</td>
</tr>
<tr>
<td>Makua Cave</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tax Map Key No.</td>
<td>Encumbrances</td>
<td></td>
<td></td>
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<tr>
<td>----------------</td>
<td>-----------------------------------------------------------------------------------------------------------------------------------------------</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(1) 1-5-041:006</td>
<td>Executive Order (&quot;EO&quot;) 2704 to DLNR, Division of State Parks (&quot;DSP&quot;) for park purposes; EO 1188 to the City and County for Honolulu (&quot;CCH&quot;) 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. (&quot;HECO&quot;) for utility easement; Land Office Deed (&quot;LOD&quot;) 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</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(1) 8-2-001:001</td>
<td>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</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(1) 4-6-005:009</td>
<td>EO 3519 to DLNR, DSP for park purposes</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(1) 5-6-001:024</td>
<td>EO 3928 to DLNR, DSP for park purposes</td>
<td></td>
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</tr>
<tr>
<td>License Agreement Numbers</td>
<td>Description</td>
<td></td>
<td></td>
</tr>
<tr>
<td>---------------------------</td>
<td>-------------</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5-3-011:009</td>
<td>EO 2830 to DLNR, DSP for park purposes; EO 4446 to DLNR, Division of Forestry &amp; Wildlife for the Kaluanui Natural Area Reserve; LOD 27849 to HECO for utility easement</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4-1-015:016</td>
<td>LOD 29005 to Olomana Estates, LLC for access purposes</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2-3-037:012</td>
<td>EO 1795 to the Board of Harbor Commissioners (&quot;BHC&quot;) 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</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4-1-006:030</td>
<td>EO 4184 to DLNR, DSP for park purposes; LOD 28699 to Maui Electric Company, Ltd. and Hawaiian Telcom, Inc. for utility purposes</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1-3-005:009</td>
<td>EO 4183 to DLNR, DSP for park purposes</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1-4-007:009</td>
<td>Revocable Permit 7608 to William F. &amp; William G. Jacintho for pasture purposes; LOD 28679 to Hana Beachfront Associates for access and utility easements</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6-6-002:005</td>
<td>EO 2909 to DLNR, DSP for park purposes; LOD 28463 to Verizon Hawaii, Inc. for utility easement</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1-3-007:026</td>
<td>EO 4021 to DLNR, DSP for park purposes</td>
<td></td>
<td></td>
</tr>
<tr>
<td>8-9-004:008</td>
<td>Unencumbered</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**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, DADS' 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,

[Signature]
Kevin E. Moore
Assistant Administrator

APPROVED FOR SUBMITTAL:

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

ISLAND: Oahu
SITE NAME: Sand Island Park - OA131

EXISTING AND PROPOSED REPLACEMENT SIREN LOCATION
TMK: (1) 1-5-041:006

Exhibit A1
SITE LOCATION MAP

ISLAND: OAHU
SITE NAME: Heeia Kea State Park - OA414

PROPOSED SIREN LOCATION
TMK: (1) 4-6-005:009

Exhibit A3
ISLAND: Oahu
SITE NAME: Malaekahana Beach Park - OA429

PROPOSED SIREN LOCATION
TMK: (1) 5-6-001:024

Exhibit A4
ISLAND: OAHU
SITE NAME: Ala Wai Yacht Harbor - OA118A

EXISTING AND NEW SIREN LOCATION
TMK: (1) 2-3-037:012
SITE LOCATION MAP

ISLAND: Maui
SITE NAME: Big Beach, Makena - MA158

Exhibit A8
ISLAND: Maui
SITE NAME: Waianapanapa State Park – MA305

EXISTING SIREN CLOSE TO PAVED PARKING LOT
TMK: (2) 1-3-005:009

Exhibit A9
SITE LOCATION MAP

ISLAND: Hawaii
SITE NAME: Hapuna Beach Park – HA404

PROPOSED SIREN LOCATION
TMK: (3) 6-6-002:005

Exhibit A11
SITE LOCATION MAP

ISLAND: Hawaii
SITE NAME: MacKenzie State Park - HA941

PROPOSED SIREN LOCATION
TMK: (3) 1-3-007:026

Exhibit A12
SITE LOCATION MAP

ISLAND: Hawaii
SITE NAME: Hoopuloa - HA707

Exhibit A13
6 active modules total.

First active module (of 6 modules total)

Inactive module.

Hawaii State Civil Defense

POLE ELEVATION, SIREN AND BASEPLATE DETAIL
Siren Type MOD 6024
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
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

Nov. 21, 2016