

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

December 8, 2017

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

PSF No: 09KD-127

KAUAI

Amend Prior Board Action of January 8, 2010, Item D-24:

RE-SUBMITTAL:

- (1) *Grant of Perpetual, Non-Exclusive Easement to Kauai Island Utility Cooperative and Hawaiian Telcom Inc. for Utility Purposes covering Tax Map Keys: (4) 4-1-3:portion 44 and 17;*
- (2) *Issuance of a Right-of-Entry to the Department of Transportation, Highways Division for Construction, Staging and Work Area Purposes covering Tax Map Keys: (4) 4-1-3:44, 17 and 4-1-4:portion 21, 22, 24;*
- (3) *Cancellation of Revocable Permit No. S-7444 Covering Tax Map Key: (4) 4-1-3:17; and*
- (4) *Issuance of a Revocable Permit to the Department of Transportation, Highways Division for Field Office, Staging and work Area Purposes Covering Tax Map Key: (4) 4-1-3:17, Located at Kawaihau, Kauai.*

The purpose of the amendment is to (A) the correct name of grantee "Hawaiian Telcom Inc." (without comma) to "Hawaiian Telcom, Inc." (with comma); and (B) rescind the Board's prior actions: (i) cancelling Revocable Permit No. S-7444 covering Tax Map Key: (4) 4-1-003:017, and (ii) issuing a new revocable permit to the Department of Transportation, Highways Division.

BACKGROUND:

At its meeting of January 8, 2010, Item D-24, the Board of Land and Natural Resources (Board) approved a request of the Department of Transportation, Highways Division (DOT) regarding its Kuhio Highway Project NH-056-1 (50). The project involves the widening of Kuhio Highway to add a second south bound travel lane within their existing right-of-way, extension of a right-turn storage lane on Kuamoo Road, and accessory intersection improvements. These improvements are needed to address existing traffic congestion beginning at the Kapaa Bypass Road intersection to Kuamoo Road, address future projected conditions from increased traffic along

the highway, and improve safety for pedestrians, joggers, and bicyclists. DOT estimates that it will begin construction in mid-2018. A copy of the January 8, 2010 Board action is attached as Exhibit I (less its lengthy Exhibits 2 and A referenced therein).

In May 2016, Coco Palms Hui LLC became the new owner of the private properties that were previously owned by Coco Palms Ventures, LLC. Coco Palms Hui LLC requested the continued use Tax Map Key: (4) 4-1-003:017 under a revocable permit for parking and landscaping purposes.

At its meeting of October 28, 2016, the Board approved Item D-1, as amended, *Cancellation of Revocable Permits Nos. S-7407, S-7444 and S-7613 to Coco Palms Ventures LLC; Issuance of Revocable Permits to Coco Palms Hui LLC, Wailua, Kawaihau, Kauai, Tax Map Keys: (4) 4-1-003:044 por., (4) 4-1-003:017 and (4) 4-1-005:017*. The Board amended the Recommendation section by inserting a new recommendation number 5 which stated: “5. Termination of Revocable Permits Nos. S-7407, S-7444 and S-7613 upon the issuance of the respective replacement revocable permits.” See Exhibit II.

REMARKS:

Staff was in the process of obtaining a new revocable permit document to be issued to Coco Palms Hui LLC for Tax Map Key: (4) 4-1-003:017 in accordance with the Board action of October 28, 2016 mentioned above. However, the Board action of January 8, 2010 previously authorized the cancellation of the existing Revocable Permit No. S-7444 and the issuance of a new revocable permit to DOT for the same parcel.

On October 16, 2017, DOT confirmed that its staff met with Tyler Greene, a managing partner of Coco Palms Hui LLC, to discuss the conflicting revocable permit approvals for Tax Map Key: (4) 4-1-003:017. DOT agreed to Coco Palms Hui LLC’s utilization of the parcel by revocable permit for parking and landscaping purposes, subject to the DOT’s existing Right-of-Entry permit for construction, staging, and work area purposes.

A revocable permit is more suitable for Coco Palm Hui LLC’s parking and landscaping purposes, while DOT’s current Right-of-Entry is sufficient for DOT’s temporary construction, staging, and work area purposes. Accordingly, staff is recommending the rescission of that part of the Board’s January 8, 2010 action that approved the cancellation of Revocable Permit No. S-7444 and issuance of a revocable permit to DOT for Tax Map Key: (4) 4-1-003:017.

Upon reviewing the January 8, 2010 Board action, staff also noticed that the name “Hawaiian Telcom Inc.” as typed in the submittal omitted the comma which is part of the legal name of the company. The correct name is “Hawaiian Telcom, Inc.” (with a comma), as registered with the DCCA. See Exhibit III.

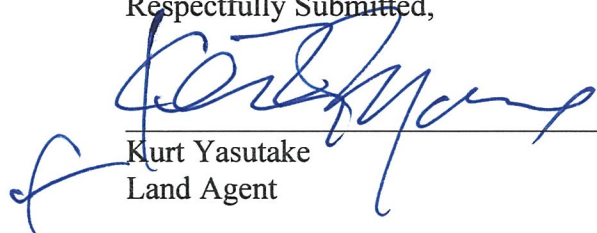
RECOMMENDATION: That the Board:

1. Amend its prior Board action of January 8, 2010, under agenda item D-24 to change “Hawaiian Telcom Inc.” (without comma) to “Hawaiian Telcom, Inc.” (with comma) wherever the company’s name appears in the submittal.
2. Rescind in their entirety Recommendations 3 and 4 of the January 8, 2010 Board action:

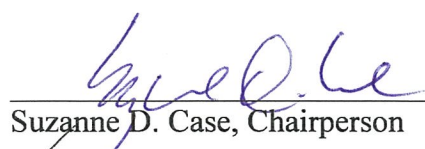
“3. Authorize the termination of Revocable Permit No. S-7444” and

“4. Authorize the issuance of a revocable permit to Department of Transportation, Highway Division covering the subject area for field office, staging and work area purposes”.
3. Except as amended hereby, all terms and conditions listed in its January 8, 2010 approval to remain the same.

Respectfully Submitted,


Kurt Yasutake
Land Agent

APPROVED FOR SUBMITTAL:


Suzanne D. Case, Chairperson

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

January 8, 2010

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

PSF No.:09KD-127

Kauai

RE-SUBMITTAL:

- (1) Grant of Perpetual, Non-Exclusive Easement to Kauai Island Utility Cooperative and Hawaiian Telcom Inc. for Utility Purposes Covering Tax Map Keys: (4) 4-1-3:portion 44 and 17;
- (2) Issuance of a Right-of-Entry to the Department of Transportation, Highways Division for Construction, Staging and Work Area Purposes Covering Tax Map Keys: (4) 4-1-3:44, 17 and 4-1-4:portion 21, 22, 24;
- (3) Cancellation of Revocable Permit No. S-7444 Covering Tax Map Key: (4) 4-1-3:17; and
- (4) Issuance of a Revocable Permit to the Department of Transportation, Highways Division for Field Office, Staging and Work Area Purposes Covering Tax Map Key:(4) 4-1-3:17, Located at Kawaihau, Kauai.

BACKGROUND:

Department of Transportation's (DOT) Kuhio Highway Project NH-056-1 (50) involves the widening of Kuhio Highway to add a second southbound travel lane within their existing right-of-way, extension of a right-turn storage lane on Kuamoo Road, and accessory intersection improvements. Improvements to Kuhio Highway are needed to address existing traffic congestion beginning at the Kapaa Bypass Road intersection to Kuamoo Road, address future projected conditions from increased traffic along the highway, and improve safety for pedestrians, joggers, and bicyclists. The addition of a southbound travel lane would provide increased roadway capacity through this corridor.

Previously, the Land Board at its meeting of February 10, 2006 (D-3), approved of and recommended to the Governor, setting aside Parcel 39 to DOT for roadway purposes which includes this project. However, to mitigate concerns by the U.S. Fish and Wildlife Service with effects on endangered seabirds due to existing overhead utility lines and associated poles, the DOT will relocate such utility lines underground as part of mitigative measures.

This relocation of utilities underground has made it necessary to utilize State properties identified as Parcels 44 and 17 as part of this improvement for Kauai Island Utility Cooperative (KIUC) and Hawaiian Telcom. Some of the utility relocation improvements will also be placed into Parcel 39. Storage lane improvements along Kuamoo Road will

APPROVED BY THE BOARD OF
LAND AND NATURAL RESOURCES *sk*
AT ITS MEETING HELD ON
January 8, 2010

D-24
Exhibit I

involve the need for temporary construction parcels utilizing State properties identified as Parcels 21, 22, and 24. State Parcel 17 will also be utilized as a temporary construction parcel for utilities relocation. Further details are provided as follows:

- 1) TMK 4-01-03: 17. Used as a driveway entrance to the Coco Palms Resort property and vehicular parking area. The portion of the property where the driveway is will be used for constructing electrical lines underground and serve as an electrical switch box for KIUC (Figure 1).
- 2) TMK 4-01-03: 44. An irregular-shaped parcel comprised of a strip portion that was formerly used as a cane haul road and railroad right-of-way, and a triangular-shaped portion used by the County as a wastewater pump station site. Relocated electrical lines would be located within the strip portion adjacent to an existing sewer line along with the triangular-shaped portion. An electrical switch box would be located within the triangular portion of the parcel (Figure 2).
- 3) TMK 4-01-04: 21. A parcel used for existing commercial related uses. A portion of the site will be used as a construction parcel for the contractor. There will be no grading or subsurface trench work done at this parcel (Figure 1).
- 4) TMK 4-01-04: 22. A strip parcel used as an unlined drainageway on the southern side of Kuamo'o Road. This drainageway is normally dry and overgrown with trees and vegetation. Surface drainage from Coco Palms Resort only discharges into this drainageway when water is manually pumped into the Kuamo'o Road culvert because the culvert opening is above the Resort's drainage canal. A portion of this parcel will be used for culvert improvements and as a construction parcel for the installation of erosion control measures (Figure 1). There will be no grading or subsurface trench work done at this parcel.
- 5) TMK 4-01-04: 24. A parcel used for the Kaumuali'i Section of the Wailua River State Park. Kuamo'o Road was built on fill material and is thus a few feet higher in elevation than this park site. Based upon consultation and agreement with the Division of State Parks, a portion of this site will be filled to provide a gradual transition in elevation from the park site to Kuamo'o Road. Several existing coconut trees within the affected area have already been topped to only about 10 feet in height by the Division of State Parks. DOT will cut the remaining stumps and grind it down to the ground, and plant new 10- to 12-foot-tall coconut tree as part of park maintenance improvements that were already planned by the Division of State Parks for this park site saving that department associated costs. DOT will also regrass the area filled and repave the driveway. This will be done at no cost to State Parks. A portion of the parcel will also be used by the contractor to store equipment and materials.

The Land Board at its meeting of October 23, 2009, under agenda Item D-1, deferred DOT's request for a grant of perpetual, non-exclusive easement to Kauai Island Utility Cooperative and Hawaiian Telcom Inc. for utility purposes; issuance of a right-of-entry to the Department of Transportation, Highways Division for construction, staging and work area purposes; cancellation of Revocable Permit No. S-7444; issuance of a revocable permit to the Department of Transportation, Highways Division for field office, staging and work area purposes. The Board deferred this matter until such time that DOT is able to provide the information requested by various testifiers who suggested that an environmental assessment or environmental impact statement be prepared for the affected parcels if any of those parcels were not included in an environmental document prepared for the highway widening project. Other concerns regarding burials and cultural sensitivity of the Wailua area were expressed.

Wilson Okamoto Corporation on behalf of Department of Transportation filed a Final Environmental Assessment (Final EA) for the Kuhio Highway Short-Term Improvements, Kuamo'o Road to Temporary Bypass Road, Federal Aid Project No. 56-A-01-06 with the Office of Environmental Quality Control in September 2009. The DOT determined that this project will not have significant environmental effects and has issued a FONSI (finding of no significant impact). The notice was published in the September 23, 2009 issue of OEQC's The Environmental Notice. The 30-day period expired on October 23, 2009, and we are aware that a legal challenge was filed at the Circuit Court regarding this FONSI determination. In response to the testifiers, all of the State parcels under this request were covered in the Final EA. Therefore, any additional Chapter 343 environmental document covering these same parcels is not necessary unless otherwise ordered by a Court.

DOT and their consultants are aware of the Wailua Complex of Heiau, and project effects on this complex were addressed in the Final EA, SHPD was consulted, and archaeological studies were conducted and included within the Final EA. The cumulative effects of other developments occurring within the project area were also addressed in the Final EA. DOT has conducted several activities to: 1) identify historic properties and traditional cultural practices that may be affected, 2) assess the project impacts, and 3) identify measures to mitigate such impacts. Presently, there were no known historic properties identified within the project's area of potential affect. There are no known traditional cultural practices occurring within the existing State DOT right-of-way for Kuhio Highway and Kuamoo Road.

There is the potential for subsurface sites being encountered during construction activities and the general project area is culturally sensitive based upon comments received. Additional conditions and measures are planned to be implemented by DOT to further implement precautionary actions to minimize potential project effects on possible subsurface sites (burials). They are as follows:

- 1) Conduct additional subsurface testing within the project corridor.
- 2) Construction of the project will proceed under an archaeological monitoring program.
- 3) Develop a plan addressing burial treatment protocols in the event burials are

encountered.

- 4) A cultural monitor will be allowed to serve as a liaison between the contractor and concerned community to provide increased level of communication. OHA will develop a framework for their selection and management of a cultural monitor, and DOT will reimburse OHA for compensation costs.

CONCLUSION:

DOT and their consultant have adequately explained the project and have complied with Hawaii's EIS laws. There are no known historic properties identified within the project's area of potential affect. There are no known traditional cultural practices occurring within the existing State DOT right-of-way for Kuhio Highway and Kuamoo Road. Additional conditions and measures are planned to be implemented by DOT to further implement precautionary actions to minimize potential project effects on possible subsurface sites (burials).

There is no change from our October 23, 2009 Land Board submittal (Exhibit A). In closing, staff is recommending the Land Board approve DOT's request.

RECOMMENDATION: That the Board:

1. Subject to the Applicant fulfilling all of the Applicant requirements listed above, authorize the issuance of a perpetual, non-exclusive easement to Kauai Island Utility Cooperative and Hawaiian Telcom Inc. covering the subject area for utility 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 perpetual easement document form, as may be amended from time to time;
 - 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.
2. Authorize the issuance of a right-of-entry permit to the Department of Transportation, Highway Division for construction, staging and work area purposes, as cited above, which are by this reference incorporated herein and further subject to the following:
 1. The standard terms and conditions of the most current right-of-entry permit form, as may be amended from time to time; and
 2. Such other terms and conditions as may be prescribed by the Chairperson

to best serve the interests of the State.

3. Authorize the termination of Revocable Permit No. S-7444.
4. Authorize the issuance of a revocable permit to Department of Transportation, Highways Division covering the subject area for field office, staging and work area 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. Review and approval by the Department of the Attorney General; and
 - c. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,



Charlene E. Unoki
Assistant Administrator

APPROVED FOR SUBMITTAL:

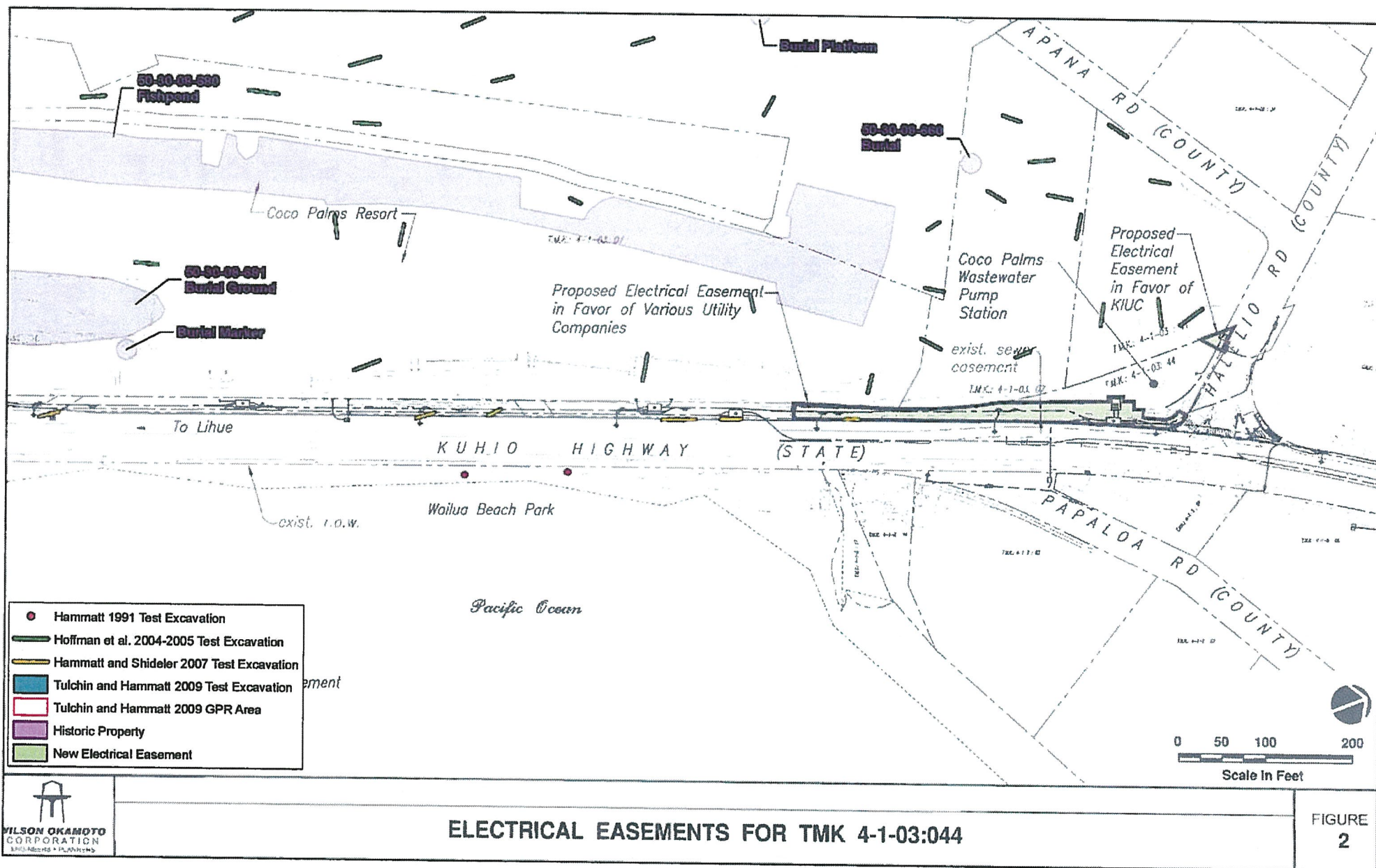


Laura H. Thielen, Chairperson



Exhibit 1

Figures Showing Subject Parcels



RECEIVED

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

October 28, 2016

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

16KD-139

Kauai

Cancellation of Revocable Permits Nos. S-7407, S-7444 and S-7613 to Coco Palms Ventures LLC; Issuance of Revocable Permits to Coco Palms Hui LLC, Wailua, Kawaihau, Kauai, Tax Map Keys: (4) 4-1-003:044 por., (4) 4-1-003:017 and (4) 4-1-005:017.

APPLICANT:

Coco Palms Hui LLC, a Foreign Limited Liability Company.

LEGAL REFERENCE:

Sections 171-13 and -95, Hawaii Revised Statutes, as amended.

LOCATIONS:

Portion of Government lands of Wailua situated at Kawaihau, Kauai, Hawaii, identified by Tax Map Keys: (4) 4-1-003:044 por., (4) 4-1-003:017 and (4) 4-1-005:017, as shown on the attached maps labeled Exhibit A, B and C.

AREA:

TMK: (4) 4-1-003:044 por. 460 square feet, more or less (Parcel A).
TMK: (4) 4-1-003:017 0.855 acres, more or less (Parcel B).
TMK: (4) 4-1-005:017 5,224 square feet, more or less (Parcel C).

ZONING:

State Land Use District: Urban
County of Kauai CZO: R-10

as amended

APPROVED BY THE BOARD OF
LAND AND NATURAL RESOURCES
AT ITS MEETING HELD ON

October 28, 2016 *sm*

D-1

Exhibit II

TRUST LAND STATUS:

Three Revocable Permits:

Section 5(b) lands of the Hawaii Admission Act

DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: NO

CURRENT USE STATUS:

Parcel A (RP S-7407) - driveway access is currently blocked off to traffic for existing parking lot.

Parcel B (RP S-7444) - currently being used by the demolition company for parking of employees.

Parcel C (RP S-7613) - currently vacant; restaurant is scheduled for renovation.

CHARACTER OF USE AND CURRENT RENT:

Parcel A - Encumbered by Revocable Permit No. S-7407, Coco Palms Ventures LLC, Permittee, for use and maintain driveway for vehicular access purposes. Rent under RP S-7407 is currently \$13.00 per month.

Parcel B - Encumbered by Revocable Permit No. S-7444, Coco Palms Ventures LLC, Permittee, for parking and landscaping purposes. Additionally encumbered by Land Office Deed No. 12850, which is a perpetual access easement in favor of Coco Palms Ventures LLC. Rent under RP S-7444 is currently \$372.00 per month.

Parcel C - Encumbered by Revocable Permit No. S-7613, Coco Palms Ventures LLC, Permittee, for restaurant, landscaping and related purposes. Rent under RP S-7613 is currently \$282.00 per month.

COMMENCEMENT DATE:

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

MONTHLY RENTAL:

As an interim measure, staff recommends the initial rent be carried over from the previous revocable permits with adjustments as follows:

<u>Parcel</u>	<u>Rent under prior Permit</u>	<u>Rent under new Permit</u>
Parcel A	\$13.00 per month	\$40.00 per month
Parcel B	\$372.00 per month	\$422.20 per month
Parcel C	\$282.00 per month	\$320.00 per month

The adjustment to the Parcel A rent reflects an increase to the minimum rent for new dispositions under the Board's minimum rent policy. The adjustments to the Parcel B and Parcel C rents reflect a 13.5% increase over the prior rents established by in-house appraisal in 2008, using the average consumer price index increase approach the Board recently approved in the annual renewals of revocable permits for the various islands.

Additionally, the Applicant will be required to pay for an independent appraisal to determine the fair market rent to charge for the parcels, subject to review and approval by the Chairperson. Rent will be adjusted retroactively to the date of permit issuance to account for any difference between the interim rent and the appraised rent, provided that the rent shall not be lower than \$40.00 per month per parcel.

COLLATERAL SECURITY DEPOSIT:

Twice the monthly rental.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with Hawaii Administrative Rule Section 11-200-8 and the Exemption List for the Department of Land and Natural Resources concurred 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. See Exemption Declaration attached as Exhibit D.

DCCA VERIFICATION:

Place of business registration confirmed:	YES
Registered business name confirmed:	YES
Applicant in good standing confirmed:	YES

APPLICANT REQUIREMENTS:

Applicant shall be required to:

Pay for an appraisal to determine fair market rent to be determined by independent appraiser, subject to review and approval by the Chairperson.

JUSTIFICATION FOR REVOCABLE PERMITS:

Parcel A (RP No. S-7407)

Parcel A will be used on short-term basis only for duration of the hotel renovation. Parcel A provides access to a parking lot on Applicant's private property. Additionally, the Department of Transportation, Highways Division, has expressed interest in

acquiring an executive order over Parcel A and other State lands in the area for the widening of Kuhio Highway. Accordingly, Parcel A is unsuitable for a long-term disposition that could interfere with DOT's plans.

Parcel B (RP No. S-7444)

Parcel B will similarly be used on a short-term basis as a parking area for construction workers working on the hotel renovation. Additionally, a revocable permit will allow the land to be utilized while staff plans for the future disposition of parcel, including evaluation of the potential for the sale of a lease at auction. As noted above, Parcel B is also encumbered by an access easement in favor of Coco Palms Ventures LLC, which will need to be assigned to Applicant with Board consent (to be addressed at a separate meeting).

Parcel C (RP No. S-7613)

The unusual shape and small size of Parcel C may make it difficult to utilize as a stand-alone parcel. Nevertheless, staff will explore the possibility of selling a long-term lease of the parcel at public auction.

REMARKS:

Brief history of Coco Palms:

Originally built in the 1940s, the hotel was known as Coco Palm Lodge. On January 25, 1953, under the management of Island Holidays, Ltd., the property was renamed Coco Palms Resort.

In 1969, Amfac purchased Island Holidays, Ltd. and the Coco Palms property.

In 1985, Amfac sold the property to Wailua Associates, who managed the hotel until Hurricane Iniki struck on September 11, 1992.

In 2006, the property was sold to Coco Palms Ventures LLC (CPV). After years of planning, building permits, etc., with the economic downturn, CPV struggled to find new investors for this project but eventually gave up on the project.

Prudential Insurance PR II LLC took over ownership of the property.

In May 2016, Coco Palms Hui LLC became the new owners of the property.

Parcel A (RP No. S-7407)

Previous revocable permits issued for the same purpose under previous owners:
RP S-4253 – Island Holidays, Ltd.

RP S-5958 – Island Holidays, Inc.
RP S-6233 – Wailua Associates
RP S-7407 – Coco Palms Ventures LLC

Parcel B (RP No. S-7444)

Previous General Lease for the same purpose under previous owners:
GL S-4740 – Island Holidays, Ltd.
GL S-4740 – Wailua Associates (consent to assignment)
GL S-4740 – Coco Palms Ventures LLC (expired 2006, RP issued)

Parcel C (RP No. S-7613)

Previous Revocable Permits issued for the same purpose under previous owners:
RP S-6234 – Wailua Associates

Applicant 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.

The proposed use has continued since 1968 and will continue. Such use has 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 use would involve negligible or no expansion or change in use of the subject area beyond that previously existing.

RECOMMENDATION: That the Board:

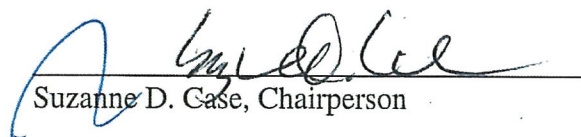
1. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Chapter 11-200, HAR, this project will probably have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment.
2. Authorize the issuance of a revocable permit to Coco Palms Hui LLC covering Parcel A for use and maintenance of a driveway for vehicular access 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. Review and approval by the Department of the Attorney General; and
 - c. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

3. Authorize the issuance of following revocable permit to Coco Palms Hui LLC covering Parcel B for parking and landscaping 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. Review and approval by the Department of the Attorney General; and
 - c. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.
4. Authorize the issuance of following revocable permit to Coco Palms Hui LLC covering Parcel C for restaurant, landscaping and related 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. Review and approval by the Department of the Attorney General; and
 - c. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,


Marvin Mikasa
District Land Agent

APPROVED FOR SUBMITTAL:


Suzanne D. Case, Chairperson

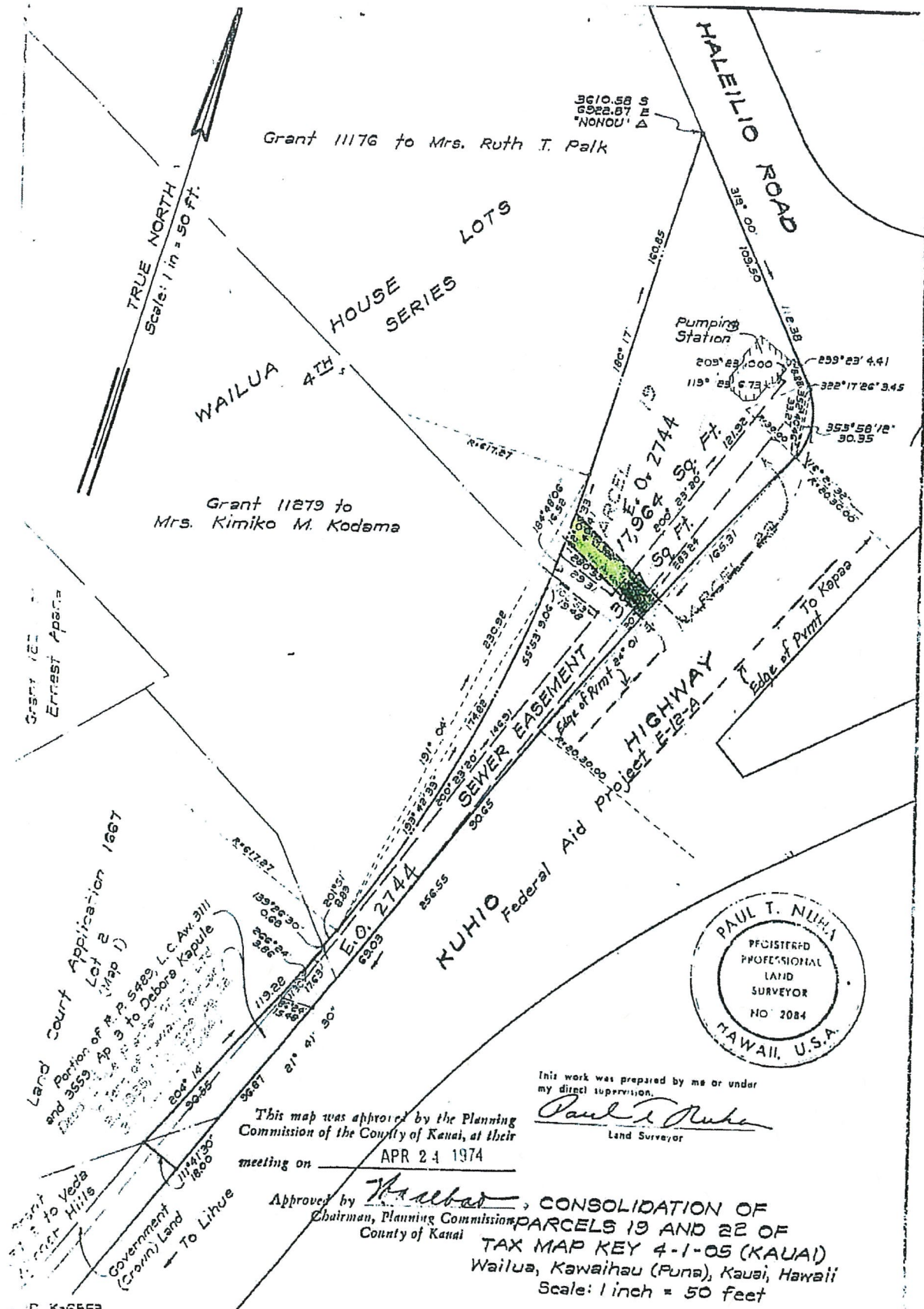
Land Board Meeting: October 28, 2016;
D-1: Approved as amended.

Approved as amended. See attached page.

Land Board Meeting: October 28, 2016; D-1: Approved as amended.

Approved as amended. *The Board amended the Recommendation section by inserting a new recommendation number 5 as noted below:*

5. Termination of Revocable Permits Nos. S-7407, S-7444 and S-7613 upon the issuance of the respective replacement revocable permits.

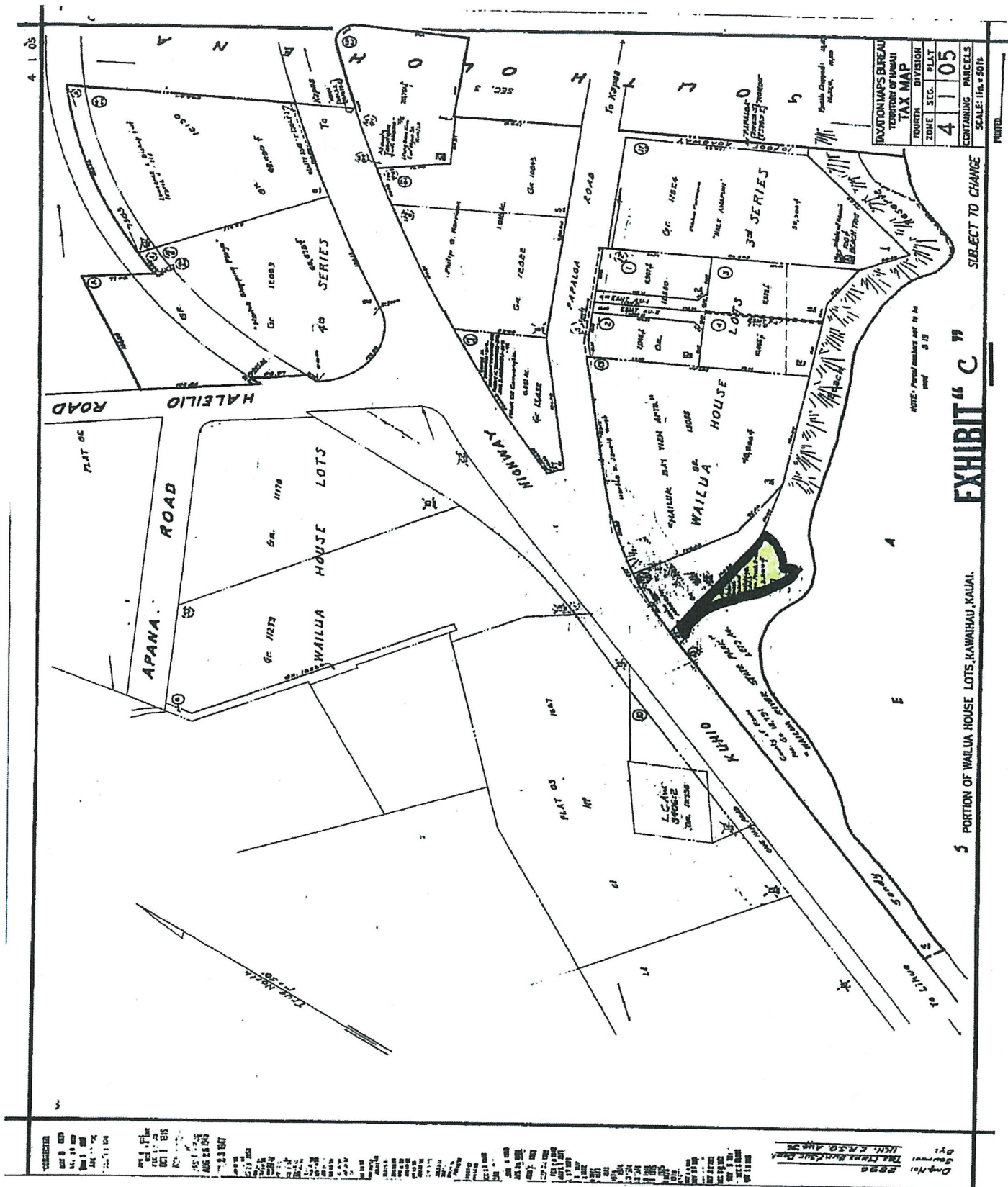


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EXHIBIT "C"

SUBJECT TO CHANGE

TAXATION MAPS BUREAU	
TERRITORY OF HAWAII	
TAX MAP	
FOURTH	DIVISION
ZONE	SEC.
4	1
PLAT	
05	
CONTAINING PARCELS	
SCALE: 1 in. = 50 ft.	



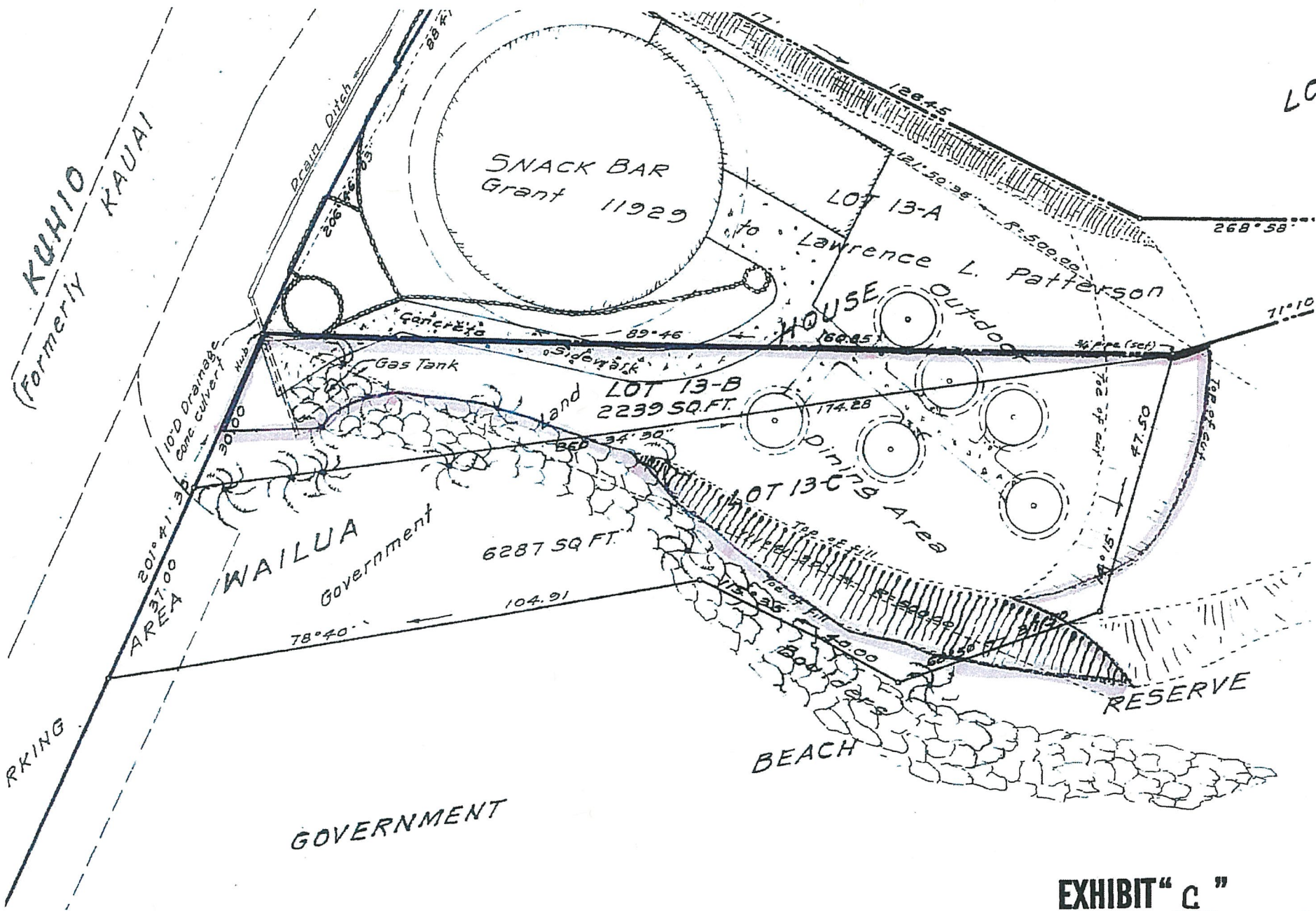


EXHIBIT "C"

EXEMPTION NOTIFICATION

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

Project Title: Cancellation of Revocable Permits No. S-7407, S-7444 and S-7613 to Coco Palms Ventures LLC; Issuance of Revocable Permits to Coco Palms Hui LLC, Wailua, Kawaihau, Kauai, Tax Map Keys: (4) 4-1-003:044, (4) 4-1-003:017 and (4) 4-1-005:por. 017.

Project Number: PSF No. 16KD-139

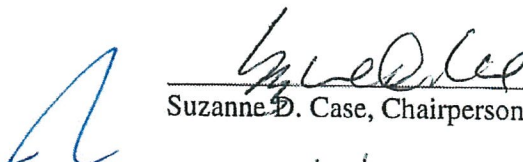
Project Description: Cancellation and issuance of new revocable permits to Coco Palms Hui LLC

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

Exemption Class No.: In accordance with the Exemption List for the Department of Land and Natural Resources, approved by the Environmental Council on June 5, 2015, the subject request of an Environmental assessment pursuant to Exemption Class 1, "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."

The renewal of existing revocable permits on State lands involves the continuation of existing uses on the lands. No change in use is authorized by the renewal.

Recommendation: It is anticipated 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.


Suzanne D. Case, Chairperson

10/13/16
Date

EXHIBIT D

DCCA State of Hawaii

Downloaded on November 15, 2017.

The information provided below is not a certification of good standing and does not constitute any other certification by the State.

Website URL: <http://hbe.ehawaii.gov/documents>

Business Information

MASTER NAME	HAWAIIAN TELCOM, INC.
BUSINESS TYPE	Domestic Profit Corporation
FILE NUMBER	61 D1
STATUS	Active
PURPOSE	PROVIDING INTEGRATED COMMUNICATIONS, TECHNOLOGY AND ENTERTAINMENT SOLUTIONS FOR BUSINESS AND RESIDENTIAL CUSTOMERS
PLACE INCORPORATED	Hawaii UNITED STATES
INCORPORATION DATE	Aug 16, 1883
MAILING ADDRESS	LEGAL DEPARTMENT P O BOX 2200 HONOLULU, Hawaii 96841 UNITED STATES
CONSENT NAME	VERIZON COMMUNICATIONS, INC.
TERM	PER
AGENT NAME	GWEN MASSIAH
AGENT ADDRESS	LEGAL DEPARTMENT 1177 BISHOP ST HONOLULU, Hawaii 96813 UNITED STATES

Annual Filings

FILING YEAR	DATE RECEIVED	STATUS
2017	Jul 28, 2017	Processed
2016	Aug 23, 2016	Processed
2015	Jul 24, 2015	Processed
2014	Jul 11, 2014	Processed
2013	Jul 30, 2013	Processed
2012	Aug 12, 2012	Processed
2011	Sep 15, 2011	Processed
2010	Sep 3, 2010	Processed
2009	Sep 25, 2009	Processed
2008	Sep 3, 2008	Processed
2007	Aug 10, 2007	Processed
2006	Sep 29, 2006	Processed
2005	Sep 29, 2005	Processed
2004	Sep 7, 2004	Processed
2003	Sep 15, 2003	Processed
2002		Not Required
2001	Aug 26, 2002	Processed

Exhibit III