

**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
OFFICE OF CONSERVATION AND COASTAL LANDS
Honolulu, Hawaii**

7/22/2022

**Chairperson and Members
Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii**

SUBJECT: Denial of Individual Petitions for Contested Case Hearing filed on January 24 and 25, 2022, by George Nardin, Amir Ginsberg, Ana Moreno, Daniel Rubenstein, Scott Whiting, and Christina Townson regarding their requests for a Contested Case Hearing OA 22-75 for the Verizon Wireless Lanikai Telecom Project, TMK Nos. (1) 4-3-005:068 & 070.

The Board may go into executive session pursuant to section 92-5(a)(4), Hawaii Revised Statutes, in order to consult with its attorney on questions and issues pertaining to the Board's powers, duties, privileges, immunities, and liabilities.

SUMMARY

Applicant Verizon Wireless' conservation district use application (CDUA) was accepted for processing on August 19, 2021, and came on for approval on January 14, 2022.

Petitioners orally requested a contested case at the end of the board meeting and after a vote was taken to approve a CDUP for Verizon Wireless and followed up with a written request.

Unbeknownst at the time of the meeting, section 27-45, Hawaii Revised Statutes (HRS), applicable to broadband-related permits, required either the Board's approval, approval with modification, or denial of the CDUA to occur within 145 days after acceptance – i.e., on January 11, 2022. Because the CDUA was not acted upon within that time, the permit (CDUP) was automatically approved prior to the board meeting on January 12, 2022, per the statute.

The OCCL recommends that the Board: (1) deny all petitions as either moot or because Petitioners are not entitled to a contested case hearing; (2) adopt the

findings contained in this submittal; and (3) authorize the Chairperson to take all actions necessary to effectuate its decision.

BACKGROUND

On January 14, 2022, the Board considered Item K-3 (see **Exhibit A** - staff report), regarding a proposed Conservation District Use Application (“CDUA”) OA-3879 for Verizon Wireless (“Verizon”) Lanikai Telecom Project located in Kailua, Koolaupoko, Oahu, to install a new telecommunications facility at 1160 Kooahoo Place, Koolaupoko, Kailua, Oahu; por. Lanikai Beach Tract, Tax Map Key (TMKs) (1) 4-3-005:068 and 070. See **Exhibit B** (Board minutes). An application for a conservation district use permit was made by Verizon Wireless to add a “stealth” faux rock enclosure and two equipment enclosures to occupy approx. 175 sq. ft. on a rocky slope of privately-owned land in a Lanikai residential neighborhood at 1160 Kooahoo Place. The use would be located near an existing AT&T telecommunication facility.

The Board regulates land uses in the conservation district by the issuance of permits and site plan approvals pursuant to HRS section 183C-6.

After taking public testimony and discussion by board members, a vote was taken by the Board. Immediately after the vote and at the end of this Board meeting, oral requests for a contested case hearing (“CCH”) were each made by Danny Rubenstein, Scott Whiting, Ana Moreno, Amir Ginsberg, Chris Townson, and George Nardin (Petitioners). The Petitioners were advised that a written request on a specific form must be received within ten (10) days of the end of the Board meeting.

Name	Exhibit	Postmark Date	Receipt Date
Christina Townson	C	(none)	Jan. 25, 2022
Ana Moreno	D	Jan. 21, 2022	Jan. 25, 2022
Scott Whiting	E	Jan. 21, 2022	Jan. 25, 2022
Amir Ginsberg	F	Jan. 22, 2022	Jan. 25, 2022
George Nardin	G	Jan. 21, 2022	Jan. 24, 2022
Daniel Rubenstein	H	Jan. 21, 2022	Jan. 25, 2022

Under the applicable DLNR administrative rule on practice and procedure, written petitions were received by DLNR on January 25, 2022. Except for one (Ms. Townson), most envelopes for the petitions show postmarks of either January 21, 2022, or January 22, 2022, which is within ten days of the board meeting. See **Exhibits C, D, E, F, G, H** (Petitions).

All Petitions identify the following concerns:

1. Preserve our community’s beauty by eliminating the visual impact;
2. Help preserve property values of the neighboring homes;

3. Reduce health concerns of living within close range of a cell tower;
4. Avoid further impact on our environment (conservation land);
5. Verizon's reliance on AT&T's Tower, violates several aspects of their permit; and
6. Estimated costs are believed to be greater than the \$500k limit for SMA minor permits.

Petitioners' desired relief include denial or modification of Verizon's cell tower application.

After discussion with the Department of the Attorney General, it was recommended that these requests be placed on the agenda for the Board to address the written requests for a contested case hearing.

LEGAL FRAMEWORK

- A. Under DLNR's Rules of Practice and Procedure – Haw. Admin. R. (HAR) chapter 13-1 – to obtain a contested case, HAR section 13-1-29(a) requires a person:

... must both request a contested case and petition the board to hold a contested case hearing. An oral or written request for a contested case hearing must be made to the board no later than the close of the board meeting at which the subject matter of the request is scheduled for board disposition. An agency or person so requesting a contested case must also file (or mail a postmarked) written petition with the board for a contested case no later than ten calendar days after the close of the board meeting at which the matter was scheduled for disposition. For good cause, the time for making the oral or written request or submitting a written petition or both may be waived. [emphasis added]

Other than in violation cases, HAR section 13-1-29(b) requires the written petition to contain:

- (1) The nature and extent of the requestor's interest that may be affected by the board action on the subject matter that entitles the requestor to participate in contested case;
- (2) The disagreement, if any, the requestor has with an application before the board;
- (3) The relief the requestor seeks to which the requestor deems itself entitled;
- (4) How the requestor's participation would serve the public interest; and
- (5) Any other information that may assist the board in determining whether the requestor meets the criteria to be a party pursuant to section 13-1-31.

Additionally, a filing fee must be paid. Section 13-1-30 (Filing fee), HAR, states:

When an application involves a conservation district use permit (including a request for a permit, modification of a permit, violation of a permit, or revocation of a permit), the request for a contested case hearing shall be accompanied with a \$100.00 nonrefundable filing fee or a request for waiver of this fee. The chairperson may waive the filing fee for any person upon a showing of financial hardship.

In Item K-3, January 14, 2022, re: a CDUP to Verizon Wireless in OA-3879, even assuming the petitioners for a contested case followed DLNR's procedures in a timely manner in requesting a contested case, further analysis does not appear to indicate that a contested case is required.

DISCUSSION

Certain issues (i.e., allegations of violation of conditions in another permittee's CDUA, county requirements for an SMA) in the written requests for a contested case hearing have no relief under the grant or denial of a contested case on the Verizon Wireless CDUA.

Entitlement to a Contested Case Hearing

The following analysis informs the right of any person on their claim of entitlement to a contested case:

- a) Is a contested case required by law to determine the legal rights, duties, or privileges of specific persons?

A contested case is "required by law" if an agency rule, statute, or constitutional due process governing the activity in question requires that a contested case hearing be held (*Kaniakapupu v. Land Use Com'n*, 111 Hawai'i 124, 132, 139 P.3d 712, 720 (2006)) or if a hearing is mandated by due process. *Bush v. Hawaiian Homes Com'n*, 76 Hawai'i 128, 134, 870 P.2d 1272, 1278 (1994). In this case no statute or rule provide an independent basis requiring that a contested case be held.

As to due process, the Hawai'i Supreme Court has said, "[I]n order to assert a right to procedural due process, [a party] must possess an interest which qualifies as 'property' within the meaning of the constitution." *Sandy Beach Defense Fund v. City Council of City and County of Honolulu*, 70 Hawai'i 361, 377, 773 P.2d 250, 260 (1989). *Accord Brown v. Thompson*, 91 Hawai'i 1, 10, 979 P.2d 586, 595 (1999)(a claim of a due process right to a hearing requires a two[-]step analysis:

- (1) First a court considers whether the particular interest which the claimant seeks to protect by a hearing [is] “property” within the meaning of the due process clauses of the federal and state constitutions, and
- (2) if the court concludes the interest is “property,” what specific procedures are required to protect it.

Citations omitted.) To obtain a contested case, Petitioners must show that their interests that they seek to protect rise to the level of “property” in constitutional sense, and whether a contested case hearing is required to adequately protect such interests.

Due process is not a fixed concept that requires a specific procedural course in every situation. Rather, due process is flexible and calls for such procedural protections as the particular situation demands. The basic elements of procedural due process of law require notice and an opportunity to be heard at a meaningful time and in a meaningful manner. *Brown* at 9, 979 P.2d at 594, (citations omitted). To determine which specific procedures required will satisfy due process requires a balancing of several factors:

- (1) the private interest which will be affected;
- (2) the risk of an erroneous deprivation of such interest through the procedures actually used, and the probable value, if any, of additional or alternative procedural safeguards; and
- (3) the governmental interest, including the burden that additional procedural safeguards would entail.

Flores v. Bd. Of Land & Nat. Res., 143 Hawai'i 114, 126-127, 424 P.3d 469, 481-482 (2018) (quoting *Sandy Beach Def. Fund v. City & Cty. of Honolulu*, 70 Hawai'i 361, 378, 773 P.2d 250, 261 (1989)).

Petitioners do not allege a violation of any constitutional provision. Petitioners all allege they live close by the proposed site and are concerned over faux rock transmitters affecting their property values and the potential hazard posed by RF emissions. If considered as an allegation regarding the right to a clean and healthful environment (Const. art. XI, sec. 9), Petitioners would have to show that the existing regulation re: acceptable emission standards have been or will be violated. No evidence for this currently exists.

At the same time, they acknowledged the presence of two other such concealed transmitters (Sprint, AT&T). As the application addresses that the project will operate within acceptable FCC standards for emissions for the proposed site, the remaining aesthetic consideration does not appear to implicate any property interest that would rise to a level that require a contested case.

Remaining allegations about a different CDUP and appropriateness for an SMA are beyond the scope of considerations or jurisdiction for this permit.

b) Do requestors have standing?

To determine whether a particular requestor has standing involves a three-part test: (1) whether the person “has suffered an actual or threatened injury as a result of defendant’s wrongful conduct,” (2) whether the injury is fairly traceable to the defendant’s actions,” and (3) whether a favorable decision would likely provide relief for [the person’s] injury.”

E & J Lounge Operating Co., Inc. v. Liquor Com’n of City and County of Honolulu, 118 Hawai’i 320, 346, 189 P.3d 432, 458 (2008). See also HAR § 13-1-31(b).

None of the allegations in the written requests for a contested case indicate Petitioners have standing to request or participate in any contested case. Petitioners have not shown that they meet any of the tests for standing stated above. Neither do they identify any actual or threatened injury to themselves or their interests that can be attributed to wrongful conduct on the applicant’s part. Without such injury, there is and can be no showing that an injury is traceable to the Board actions or could be redressed by a favorable decision should a contested case be granted.

B. Lack of Jurisdiction for Granting a Contested Case Hearing

Hawaii Revised Statutes (HRS) § 27-45(b) states

The State shall approve, approve with modification, or disapprove use applications for broadband facilities within the conservation district within one hundred forty-five days of submission of a complete application and full payment of any applicable fee. If, on the one hundred forty-sixth day, an application is not approved, approved with modification, or disapproved by the State, the application shall be deemed approved by the State.

[emphases added]

Neither “Broadband” or “broadband-related” are defined in HRS chapter 27. However, HRS chapter 444J (Telecommunication and cable industry information reporting) has definitions¹ in HRS § 444J-1 including:

¹ In HRS chapter 206S (Hawaii broadband and digital equity office), § 206S-1 also defines “broadband” as “high-speed internet access that is always on, including mobile and fixed technologies.”

“Broadband access or broadband service” as an “always-on” service that includes but is not limited to computer processing capabilities, information provision, and computing interactivity with data transport, enabling end users to access the Internet and use a variety of applications at minimum speeds established by the Federal Communications Commission.

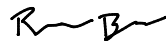
“Broadband infrastructure” means the medium used to provide broadband access or broadband service, including fiber optic cable, copper cable, coaxial cable, and wireless media, such as satellite communications, wi-fi, and worldwide interoperability for microwave access.

As Verizon Wireless’ permit application under CDUA OA-3879 was accepted for processing and review by the OCCL on August 19, 2021; the 145-day review timeframe ended on January 11, 2022. Therefore, the permit was deemed approved on January 12, 2022, prior to the Board hearing and decision of permit approval by the Board on January 14, 2022. If the permit was already approved, the Board did not have jurisdiction to consider a request for a contested case hearing on January 14, 2022.

CONCLUSION

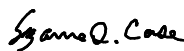
That the Board of Land and Natural Resources deny the requests for a contested case hearing regarding CDUP OA-3879 for a new telecommunication facility as the permit was deemed approved by the State on January 12, 2022, pursuant to HRS § 27-45(b). Under HRS § 27-45(c) the permit shall be issued with the language, “This is broadband-related permit issued pursuant to section 27-45, Hawaii Revised Statutes.”

Respectfully submitted,



Rachel Beasley
Staff Planner

Approved for submittal: MC



Suzanne Case, Chairperson
Board of Land and Natural Resources

**STATE OF HAWAI'I
DEPARTMENT OF LAND AND NATURAL RESOURCES
OFFICE OF CONSERVATION AND COASTAL LANDS
Honolulu, Hawai'i**

File No: OA-3879
180-Day Exp. Date: February 15, 2022

January 14, 2021

**Board of Land and
Natural Resources
State of Hawai'i
Honolulu, Hawai'i**

REGARDING: Conservation District Use Application (CDUA) OA-3879 for Verizon Wireless Lanikai Telecom Project

APPLICANT: Verizon Wireless

AGENT: Synergy Advantage Engineers c/o NTP LLC, Grant Nakaya

LOCATION: 1160 Koohoo Place

**TAX MAP KEYS
(TMKS):** (1) 4-3-005:068 & 070

AREA OF PARCEL: .9 acres¹; approximately 175 square feet²

USE: New Telecommunications Facility

SUBZONE: Limited

ATTACHMENTS: Exhibit 1: TMK map
Exhibit 2: Subzone map
Exhibit 3: Site Plan
Exhibit 4: Flood zone map
Exhibit 5: SLR-XA Map
Exhibit 6: "No" to Verizon petition
Exhibit 7: SMA permit
Exhibit 8: Cell service map
Exhibit 9: Key Observation Points (KOPs)

ONLINE LIBRARY: <https://dlnr.hawaii.gov/occl/current-applications/>

¹ Parcel total

² Total project area

DESCRIPTION OF AREA/CURRENT USE

The project area is on the east (windward) coast of O‘ahu and is in the Lanikai residential neighborhood. The topography of the project area consists of relatively steep slopes, with steeper mountain vistas, ridgelines, and cliffs to the southwest, and a flat residential area and shoreline to the northeast.

The property is currently developed with a private residence (on parcel 068) and two existing telecommunication facilities (on both parcels). The existing telecommunication facilities are (1) AT&T with 4 panel antennas enclosed in a faux rock enclosure (approximate height of 230’ above mean sea level) with 3 equipment cabinets located at a lower elevation and (2) Sprint with 2 panel antennas (approximate height of 215’ above mean sea level, AMSL), 1 panel antenna (at an approximate height of 187’ AMSL), and 1 parabolic antenna (at an approximate height of 187’ AMSL) and 1 equipment cabinet located at a lower elevation. All antennas (AT&T antenna total is 4 and Sprint/T-Mobile total is 4) are connected to the lower elevation equipment platforms/cabinets via one existing conduit. The project area has no bare ground or areas of existing surface disturbance other than the existing accessways to the project site.

The site is accessed via a private driveway from Koohoo Place and the telecom facilities are accessed from an existing trail from the private residence. Both parcels are located at 1160 Koohoo Place, Por. Lanikai Beach Tract, Kailua, Koolaupoko, O‘ahu. (see **Exhibit 1**).

The property is located in the Limited Subzone of the State Land Use Conservation District. (see **Exhibit 2**) The project site consists of steep slopes extending from approximately 120 feet AMSL to approximately 250 feet AMSL. The project would be located at the edge of the Lanikai residential area and on the natural lands associated with the lower slopes of Ka‘iwa Ridge. (see **Exhibit 3**)

Three main soil types occur at the project site: Kokahi very stony clay (0 to 30 percent slopes), Papaa clay (35 to 75 percent slopes), and Stony steep land. Kokahi very stony clay and Papaa clay are both classified as Hydrologic Soil Group C: soils in this group possess a relatively high runoff potential when thoroughly wet. Stony steep land is classified as Hydrologic Soil Group A: soils in this group have a relatively low runoff potential when thoroughly wet.

Hazards.

The project area is located in the Special Management Area, but not in a tsunami evacuation area. No seismic hazards have been identified related to the proposed project.

A Flood Zone Map obtained from the State’s Flood Hazard Assessment Tool website shows that the subject property is in Flood Zone X (see **Exhibit 4**). This flood zone defines areas determined to be outside the 0.2% annual change floodplain. This is not a coastal parcel and the proposed project are located outside of the sea level rise exposure area of 3.2 feet, as projected by the Sea Level Rise Exposure Area, SLR-XA (see **Exhibit 5**).

The proposed project has the potential for some erosion related to construction. Approximately 109 square feet of soil would be temporarily disturbed as laydown areas for equipment and spoils during construction. Approximately 175 square feet of ground would be permanently disturbed related to the installation of the equipment platforms and platform for the antennas and faux rock enclosure.

EXHIBIT A

The Federal Communications Commission (FCC) is required by the National Environmental Policy Act of 1969 to evaluate the effects of radio frequency (RF) emissions from FCC-regulated transmitters on the quality of the human environment. The FCC adopted the National Council on Radiation Protection and Measurements (NCRP). The FCC adopted the NCRP's recommended Maximum Permissible Exposure (MPE) limits for field strength and power density for transmitters operating at frequencies of 300 kHz to 100 GHz.

The applicant states that at the proposed site, AT&T and Sprint/T-Mobile are currently operating within applicable FCC limits. Additionally, the applicant states that the proposed Verizon facility would operate under FCC limits for their own RF emissions as well as the cumulative emissions for all carriers, per established FCC guidelines.

Flora and Fauna

Flora at the project site is limited to heavy brush, cactus, scrub brush, and haole koa. No rare or endangered plants have been observed at the project site. No readily identifiable wetlands or wetland characteristics were noted, and the site is not located in a floodplain.

No rare or endangered animals have been observed at the project location. The Hawaiian hoary bat may be present at the site as it roosts in exotic and native woody vegetation, however no Hoary bats have been observed.

The endangered Band-Rumped Storm-Petrel, endangered Hawaiian Petrel, and the threatened Newell's Shearwater could fly over the project area; however, the project location is unlikely to be used by these species as a habitat and would likely only transit over the project location.

Historic/Cultural

In 2018 TCP Hawaii completed a formal Archaeological Inventory Survey (AIS) and Cultural Impact Assessment (CIA) of the nearby "Lanikai pillboxes" site area. These studies served as a background for the project's Area of Potential Effect (APE). These studies included an assessment of the cultural, archaeological, and historical resources present within the entire direct and indirect (visual) APE for the currently proposed undertaking. The project's APE includes both direct effects (to include the ground surface potentially impacted) and indirect (visual) effects (within a 0.5-mile radius from the tower site).

In 2020 TCP Hawaii conducted fieldwork in the direct and indirect APE. A 100% pedestrian survey at the proposed project's location revealed no historic properties (aboveground structures, objects, or buildings) present within the direct APE. The lower (near the current residence) direct APE has already been disturbed and impacted by previous building projects and landscaping. The upper (ridge) direct APE sits on bare rocky outcrop, and no historic properties are located at or below the ground surface; for this reason, no subsurface investigations were undertaken during this investigation.

Twelve previously identified historic properties were found to be located within the project's indirect (visual) APE. Four of these historic properties, all residential homes built between 1929 and 1942, are listed on the Hawaii Register of Historic Places (HRHP), but not the NRHP. Thus,

EXHIBIT A

the previous 2018 TCP Hawaii's AIS and CIA studies yielded relevant data on numerous historic properties within the indirect (visual) APE. The 2018 TCP studies also found no previously recorded sites within the direct APE. Additionally, the 2020 APE study did not add anything new to the results of the 2018 studies. Thus, TCP Hawai'i concluded that the proposed undertaking would have no effect on the direct APE.

Part of the CDUA process requires that the applicant submit a Hawai'i Revised Statutes (HRS), 6E form developed by the State Historic Preservation Division (SHPD). The applicant hired TCP Hawai'i to conduct background research and a field survey of the area of potential effects for the project. These studies found that no identified historic sites were within the project area. The proposed structure would be visible from Site #8196 (Lanikai pillboxes) and possible from Site #9037 (an historic residence on 'A'alapapa Drive). It is anticipated that any adverse visual effects on these two historic properties would be mitigated by the proposed faux rock enclosure. Based on this the OCCL determined that no historic properties would be affected. OCCL filed the determination with SHPD on August 18, 2021.

PROPOSED USE

The proposed project will include one stealth enclosure, in the form of a faux rock, and two equipment enclosures. The faux rock enclosure would be located on the ridge (parcel 070) at approximately 230 feet AMSL. The enclosure would be approximately 75 square feet in area and would measure approximately 8 feet in height, inclusive of the stealth enclosure. The enclosure would be installed on concrete piers anchored to the ridge's rock face. This faux rock enclosure would house the proposed 4 panel antennas and associated equipment.

The antennas and equipment located within the faux rock enclosure would be connected to the equipment enclosures via a conduit traveling along the existing conduit route, used by the existing telecommunication facilities. The proposed equipment enclosures (located on parcel 068) would consist of two platforms approximately 56 square feet and 36 square feet in area. Both enclosures will be located 90 feet below the proposed faux rock enclosure at approximately 140 feet AMSL. The enclosures would house associated Verizon equipment for the telecommunications facility. They would be shielded on the north and west faces with slat fencing made of green composite or wood painted green for camouflage.

The proposed project is to be located adjacent to similar existing facilities. Project area topography consists of steep slopes that extend from approximately 120 feet AMSL to approximately 250 feet. A proposed Management Plan was included with this application. This Plan states that Verizon does not anticipate site expansion within the next 10 years.

The Board of Land and Natural Resources approved CDUP OA-2896 for the original telecommunications facility in October 1998. The most recent SPA, OA-18-01, concluded, "*OCCL remains concerned that multiple minor increases in size and density can add up and create and major increase in density. ... any future applications, without exception, will require a Conservation District Use Permit approved by either the Chair or the full Board of Land and*

EXHIBIT A

Natural Resources, pursuant to Hawai'i Administrative Rules (HAR) §13-5." This CDUA is the subsequent future application due to a requested increase in size and density.

OTHER ALTERNATIVES CONSIDERED:

Alternative 1: No Action. Under the No Action Alternative, the project would not be implemented. The applicant states that this alternative would not permit Verizon to provide community residents and the public with reliable service and expanded emergency services in the Lanikai area.

Alternative 2: Proposed action. As described in the proposed use section, this project will install a new telecommunications facility consisting of two adjacent steel platforms and a faux rock enclosure that would contain antennas and ancillary equipment, as well as utility cables connecting the different project components.

Alternatives considered but dismissed:

- Site 1: Lanikai Community Association Park: Radio tests conducted at the site indicated that signal coverage would be inadequate. Additionally, the antenna required for the park location would be more visible to the community.
- Site 2: Board of Water Supply property located at 1281 Mokulua Dr: the proposed antennas in this location would be more visible within the community and there are safety concerns at this site.

SUMMARY OF COMMENTS

The Office of Conservation and Coastal Lands referred the application, as well as the Draft Environmental Assessment (EA) to the following agencies and organizations for review and comment:

State Agencies:

DLNR, Division of Conservation and Resource Enforcement
DLNR, Oahu District Land Office
DLNR, Engineering
DLNR, Division of Forestry and Wildlife
DLNR, Na Ala Hele
DLNR, Historic Preservation
DAGS, Office of Enterprise Technology Services
Office of Hawaiian Affairs

County Agencies:

City and County of Honolulu, Department of Planning
City and County of Honolulu, Fire Department

Federal Agency:

U.S. Fish and Wildlife

In addition, this application was also sent to the nearest public library, the Kailua Public Library; the Hawai'i State Library Document Center; the Lanikai Community Association; and the Kailua

EXHIBIT A

Neighborhood Board to make this information readily available to those who may wish to review it.

Comments were received by the following agencies and individuals and summarized by Staff as follows:

THE STATE

DEPARTMENT OF LAND AND NATURAL RESOURCES

Division of Conservation and Resource Enforcement:

Comments: No Response.

Division of Forestry and Wildlife:

Comments: No Response.

Nā Ala Hele:

Comments: No Response.

Historic Preservation

Comments: Assigned project log number 2021PR01042 on August 25, 2021.

Engineering

Comments: No Response.

Oahu District Land Office

Comments: No Response.

DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES

Office of Enterprise Technology Services

Comments: No Response.

OFFICE OF HAWAIIAN AFFAIRS

Comments: No Response.

CITY AND COUNTY OF HONOLULU

Planning Department

Comments: No Response.

Fire Department

Comments: There will be no significant impact to fire department services.

FEDERAL AGENCIES

EXHIBIT A

U.S. FISH AND WILDLIFE

Comments: No Comments.

COMMENTS FROM THE PUBLIC:

- 7 support emails/letters
- 36 oppose emails/letters
 - Opposition Reasons:
 - Visual impact/aesthetics:
 - Applicant's Response: Verizon states the enclosure shall be customized built to camouflage the antenna structure. Color photos and video of the subject area will be provided to the manufacturers to assist with matching the enclosure rockface in the surrounding area;
 - Precedent of more cell towers on the ridge: will become a cell tower farm and precedent should not be further justification for another tower:
 - Applicant's Response: No expansion of the Verizon site is anticipated in the next 10 years;
 - Estimated project cost is too low; therefore, the project requires a major SMA permit not a minor:
 - Applicant's Response: As shown in the findings by the City and County of Honolulu DPP in issuing SMA Permit 2021/SMA-18, the DPP determined that the proposed project has a valuation of less than \$500,000 and will have no significant effect on the SMA;
 - Environmental concerns: no study of the bird habitats on Ka'iwa Ridge was conducted and residents state that there is known shearwater activity:
 - Applicant's Response: Verizon's environmental consultant contacted the USFWS Pacific Islands Fish and Wildlife Office in Honolulu regarding the proposed project. The USFWS requested that Verizon adopt additional mitigation measures specifically for the Hawaiian hoary bat and Hawaii seabirds;
 - Irregularities in previous permitting of AT&T's tower in 2018-2019:
 - This comment was sent after the comment period ended but is noted. The OCCL provided the public past permitting in regard to this matter;
 - Not enough time to review and respond to the project;
 - Applicant's Response: Pre-assessment consultation letters were mailed on October 28, 2020. Several letters commenting on the project were received from stakeholders and included in the initial

EXHIBIT A

Draft EA (DEA) and the DEA was published in the Environmental Review Program's (ERP) February 23, 2021 edition of The Environmental Notice. Publication by the ERP provides public notice and 30-day public comment. The DEA was accepted as a Final EA (FEA) and issued a Finding of No Significant Impact (FONSI) by the DLNR on September 8, 2021. Notice of FEA publication was published by the ERP in their September 8, 2021 edition of The Environmental Notice. Following FEA publication, the DLNR scheduled a public hearing on October 14, 2021; a hearing notice was published in the September 28, 2021 state newspaper. An additional public comment period of 2 weeks followed the public hearing;

- Zoning designation for the parcel is not a place for the project/ inconsistent with the spirit of conservation and the character of the neighborhood:
 - Applicant's Response: The subject property is in the Limited subzone. Pursuant to HAR §13-5-22 P-14 TELECOMMUNICATIONS (D-1) *new telecommunications facility* is a land use that one may apply for in the Limited subzone;
- Existing telecom is at the consent and financial benefit of the private landowner and did not receive approval from adjoining landowners:
 - Applicant's Response: Public safety is a purpose for this project. The significant coverage improvement for Verizon services in the area would provide benefit to 911 services;
- Negative impact to property values:
 - Applicant's Response: National studies have demonstrated that most home buyers value good cellular service over many other factors when a purchasing home;
- Radiofrequency (RF) health risks:
 - Applicant's Response: The construction of the proposed project will comply with all applicable health and safety standards. Measurements taken by the FCC near a forty-foot cell site have shown that the ground level RF power densities are less than 1% of the FCC's RF exposure limits. The proposed installation would be located at a significant distance from the nearest private residence and would not significantly increase exposure RF in the surrounding area;
- There is sufficient telecom already:
 - Applicant's Response: Verizon service in Lanikai is poor due to the surrounding terrain making coverage by existing infrastructure outside of the Lanikai area ineffective and a lack of necessary infrastructure in the Lanikai area to provide service;

EXHIBIT A

- Proximity to residential:
 - Applicant's Response: The exclusion distances for the proposed antennas are approximately 20.5' from the antenna; the proposed antenna exclusion distance is wholly located within the project's proposed TMK parcel number (1) 4-3-005:070 and is a significant distance from the nearest residence. The nearest adjacent residence is located approximately 190' horizontal and 100' vertical from the proposed Verizon antenna;
- Residents have consistently objected to additional cell towers in this area:
 - Applicant's Response: Currently, the Lanikai community lacks sufficient Verizon coverage to provide backup 911 emergency response call support should the primary system become overwhelmed. By permitting this project, Verizon's network coverage will be significantly enhanced in the Lanikai area to better support 911 emergency response calls in the event of a high call volume incident;
- Ridge has cultural significance and should not be disturbed:
 - This comment was sent after the comment period ended but is noted. The OCCL responded with a copy of the Cultural Resources study.

PETITIONS:

- "No to Verizon Petition," signed by 506 Hawai'i residents (see **Exhibit 6**)
- "Stop Verizon's Cell Tower on the Ka'iwa Ridge on Lanikai Preservation Land," signed by 176 (as of 12/1/21) people. Link: <https://bit.ly/stop-verizon-cell-tower> .

ANALYSIS

Following review and acceptance for processing, the Applicant was notified, by correspondence dated August 19, 2021 that:

1. The proposed uses are identified land uses in the Limited subzone of the Conservation District, pursuant to the Hawai'i Administrative Rules (HAR) §13-5-22, P-14, **TELECOMMUNICATIONS (D-1)** New telecommunications facility. A management plan approved simultaneously with the permit is also required;
2. Pursuant to HAR §13-5-40 HEARNGS (a) public hearing shall be required because the proposed land use is for commercial use; and
3. In conformance with Chapter 343, Hawaii Revised Statutes (HRS), as amended, an Chapter 11-200.1, HAR, a finding of no significant impact to the environment (FONSI) is anticipated for the proposed project; and
4. The subject property is in the Special Management Area (SMA). The applicant's responsibility includes complying with the provisions of Hawaii's Coastal Zone

EXHIBIT A

Management law (Chapter 205A, HRS) that pertain to the SMA requirements administered by the various counties. Staff notes an SMA Use Permit Assessment Application was submitted by the applicant and accepted on September 8, 2021. The City and County of Honolulu Department of Permitting and Planning approved the permit subject to conditions. (see **Exhibit 7**).

The [Final EA](#)/Finding of No Significant Impact (FONSI) was issued by the DLNR Chairperson and published in the September 8, 2021 edition of the Environmental Review Program's *The Environmental Notice*. A public hearing was advertised in the State newspaper on September 23, 2021, and a public hearing was conducted via Zoom October 14, 2021; eighteen members of the public attended.

CONSERVATION CRITERIA

The following discussion evaluates the merits of the proposed land use by applying the criteria established in §13-5-30, HAR.

- 1) *The proposed use is consistent with the purpose of the Conservation District.*

The objective of the Conservation District is to conserve, protect, and preserve the important natural resources of the State through appropriate management and use to promote their long-term sustainability and the public health, safety, and welfare.

The existing cellular coverage in the immediate area surrounding the proposed Verizon telecom is weak to no service. (see **Exhibit 8**) The proposed action is anticipated to increase health and human safety in the area because increased cellular coverage would allow for faster and better-quality communication in emergency events.

The proposed communications facility would adhere to all Occupational Safety and Health Administration (OSHA) and FCC rules, guidelines, and regulations on RF emissions. The proposed project would enhance the public health, safety, and welfare via improving access to wireless communications and data services in the Lanikai area.

- 2) *The proposed land use is consistent with the objectives of the Subzone of the land on which the use will occur.*

The objective of the Limited Subzone is to limit uses where natural conditions suggest constraints on human activity. The proposed use is a use that may be applied for pursuant to HAR, §13-5-22, P-14, **TELECOMMUNICATIONS** (D-1) New telecommunications facility. A management plan approved simultaneously with the permit, is also required.

The proposed project is limited in size and scope to approximately 175 square feet of ground area in a previously disturbed site and will occur adjacent to similar existing uses. The proposed use would enhance wireless and data service access and would improve emergency response and public safety via these improved services.

- 3) *The proposed land use complies with the provisions and guidelines contained in Chapter 205A, HRS entitled "Coastal Zone Management", where applicable.*

The objectives, policies, and guidelines of the Coastal Zone Management (CZM) program contained in Chapter 205A, Hawai'i Revised Statutes (HRS), are focused on the preservation, protection, and where possible, the restoration of the natural resources of the coastal zone in Hawai'i. The subject property is in the SMA and a SMA Use Permit Assessment Application was submitted by the applicant. The City and County of Honolulu determined that the proposed project has a stated valuation of less than \$500,000 and would have no significant effect on the SMA.

The proposed project will be co-located adjacent to similar telecom which concentrates similar development to one area. This co-location limits the impact to open space resources.

- 4) *The proposed land use will not cause substantial adverse impact to existing natural resources within the surrounding area, community or region.*

The proposed project would be limited in size and scope with approximately 175 square feet of ground to be permanently disturbed. Construction activities are to take approximately a month and once completed this unmanned facility will be visited monthly by authorized personnel for maintenance. The project would be built in compliance with all applicable federal, state, and local health and safety guidelines.

Best management practices (BMPs) would be implemented during project construction and for the structure's lifetime. Vegetation disturbance will be limited, and no landscaping will be used in order to limit impact to naturally occurring vegetation. New nonpermeable surfaces will be limited in size to mitigate any potential drainage impacts. A portion of the proposed new project will be installed on an existing natural nonpermeable surface.

- 5) *The proposed land use, including buildings, structures and facilities, shall be compatible with the locality and surrounding areas, appropriate to the physical conditions and capabilities of the specific parcel or parcels.*

The proposed land use will be located adjacent to similar existing facilities in accordance with telecommunication facility co-location guidelines. Due to the surrounding area's geography, the number of locations suitable for Verizon's proposed project are limited. The site alternatives (Lanikai Community Association Park and Board of Water Supply location at 1281 Mokulua Dr) were dismissed due to issues of visibility, safety, and telecom reception.

Verizon states that the proposed stealth enclosure will be custom built to camouflage the antenna structure to better match the color and texture of the rockface in the surrounding area. Color photos and video of the area will be provided to the manufacturer to assist with matching the enclosure rockface to the surrounding area.

EXHIBIT A

Due to the project's co-location in a previously disturbed area its relatively small size, and its camouflaged enclosure, the OCCL finds that the proposed project's structures are compatible with the existing telecom site.

- 6) *The existing physical and environmental aspects of the land, such as natural beauty and open space characteristics, will be preserved or improved upon, whichever is applicable.*

The purpose of the faux rock design is to better blend in with the natural surroundings. The faux rock design would be limited in height to mitigate intrusion upon open space characteristics; it is also proposed lower than the adjacent ridgeline in order to mitigate the visual impact. Additionally, the proposed project will be co-located with existing telecom facilities thereby reducing the number of telecom locations within the community.

- 7) *Subdivision of land will not be utilized to increase the intensity of land uses in the Conservation District.*

No subdivision of land is proposed for this project.

- 8) *The proposed land use will not be materially detrimental to the public health, safety and welfare.*

The applicant states that both a pre-installation third-party electro-magnetic emission (EME) study and a post-installation EME study will take place to determine if the cumulative RF emissions exceed the FCC emission limits. Safe RF exposure levels were adopted by the FCC and derived from the recommendations of two expert organizations, the National Council on Radiation Protection and Measurements (NCRP) and the Institute of Electrical and Electronics Engineers (IEEE). Both the NCRP exposure criteria and the IEEE standard were developed by expert scientists and engineers after extensive reviews of the scientific literature related to RF biological effects. The proposed project will be built according to all applicable health and safety guidelines and within the limits allowed by the Federal Communications Commission (FCC).

Staff believes the proposed land use will not be materially detrimental to the public health, safety, and welfare as mitigated. In fact the purpose of this project is to expand telecom services within the area. This telecom expansion increases access to emergency response services.

CULTURAL IMPACT ANALYSIS:

TCP Hawaii completed a formal Cultural Impact Analysis (CIA) of the nearby "Lanikai pillboxes" in 2018. Research conducted as part of the 2018 CIA found no traditional cultural resources present within the APE of the proposed project. This finding was supported by the recently conducted archaeological survey by TCP Hawaii. The CIA also found that no contemporary cultural practices are, or have recently been, carried out within the APE. The APE is located on

the slope of a steep ridge some distance from the shoreline which makes it an unlikely location for traditional habitation, while the steep slope and lack of soil makes it unsuitable for traditional cultivation.

The project site and APE are located on a spur of Ka'iwa Ridge. The 2018 CIA identified Ka'iwa Ridge as a culturally significant natural feature. The project's location on Ka'iwa ridge can have an effect on the ridge's visual connection with the ocean. Ka'iwa Ridge has mostly continuous vegetative cover consisting of grasses, shrubs, and scattered clumps of *Hylocereus undatus* (dragonfruit) with occasional rock outcroppings. CAD drawings were created to show the orientation of the proposed project within the landscape and in relation to the existing communication facility. Five Key Observation Points (KOPs) were identified to assess impacts on views. (see Exhibit 9) The KOPs were assessed via the Department of the Interior's Bureau of Land Management (BLM) Handbook H-8431-1: Visual Resource Contrast Rating. This assessment rated the level of change to the landscape's landforms/water, vegetative features, and structural elements. The geometric, vertical form of the project is stated to be similar to surrounding rocks on the ridge.

It was determined that most mauka views of the project would be screened by vegetation and residential structures. The makai views from the Lanikai Pillboxes Trail and Overlook would be unobstructed.

DISCUSSION

The proposed project entails 4 Verizon panel antennas and associated equipment in a faux rock enclosure on Ka'iwa Ridge at approximately 230 AMSL. This enclosure would be approximately 75 square feet in area, at approximately 8 feet tall and would be installed on concrete piers anchored to the ridge's rock face.

The faux rock enclosure would be connected to two equipment enclosures via an existing conduit route. The equipment enclosures would be located at approximately 140 feet AMSL and would be two platforms at approximately 56 square feet and 36 square feet.

The proposed project is to be located on two private parcels (068 and 070) and would be co-located adjacent to similar existing facilities. Project area topography consists of steep slopes that extend from approximately 120 feet AMSL to approximately 250 feet. A proposed Management Plan was included with this application. The Management plan included the following best management practices (BMPs) during both construction and the project's lifetime:

Proposed Construction BMPs:

- *Soil erosion BMPs*: such as biosocks and run-off filters to mitigate the effect of erosion. All disturbed soils would be replaced and stabilized to adhere to correct water drainage and wind erosion standards.
- *Biological resources BMPs*: no nighttime construction shall occur during the seabird fledgling period from September 15 to December 15. Outdoor lighting shall be fully

EXHIBIT A

shielded so bulbs can only be seen from below and all outdoor lighting shall be turned off when no human activity is occurring. Additionally, no barbed wire shall be used and no woody plants greater than 15 feet tall shall be disturbed, trimmed, or removed from June 1 to September 15 (Hawaiian hoary bat birthing season).

- *Transportation/Traffic/Noise BMPs*: all cars and a usage of a helicopter, if required, shall obtain all required clearances such as a Community Noise Control Permit. If a helicopter is used for construction, Verizon will utilize a FAA certified company that specializes in heavy lifts. Arrangements would be made with the homeowner to park and carpooling/shuttling would be considered to minimize parking during the approximate 4-week construction. Construction work shall occur during “normal business hours.”

Proposed Project Lifetime BMPs

- *Soil erosion BMPs*: interim reclamation would consist of reseeding all areas not needed for long-term operations where vegetation was removed. When the project site is abandoned and facilities have been removed, all areas lacking vegetation (as a result of the project) would be successfully revegetated.
- *Biological Resources BMPs*: the project meets the U.S. Fish and Wildlife Services’ (USFWS) tower siting and design recommendations and is therefore not anticipated to adversely affect migratory birds. No woody plants will be disturbed, removed, or trimmed that are greater than 15 feet tall during the Hawaiian hoary bat birthing and pup rearing season (June 1- September 15); no barbed wire will be used. The applicant will adhere to all current regulations regarding tower lighting as required by the Federal Aviation Administration, which would minimize seabird fallout.
- *Transportation/Traffic/Noise BMPs*: this is an unmanned site and maintenance would occur monthly by a limited number of personnel who would park in the homeowner’s driveway.

TCP Hawaii completed an AIS and CIA of the nearby “Lanikai pillboxes” in 2018 and these studies served as a background for the project’s Area of Potential Effect (APE). In 2020 TCP Hawaii conducted fieldwork in the direct and indirect APE. The 2018 TCP studies did not find any previously recorded sites within the direct APE of this project. Additionally, the 2020 APE study did not add anything new to the 2018 study results. TCP Hawaii concluded that the proposed undertaking would have no effect on the direct APE.

Based on the information provided, staff believes that the project will have negligible adverse environmental or ecological effects provided that best management practices and mitigation measures as described in the application and environmental assessment, and as required by rule or laws, are fully implemented.

RECOMMENDATION

Based on the preceding analysis, staff recommends that the Board of Land and Natural Resources APPROVE Conservation District Use Application OA-3879 for the Verizon Wireless Lanikai

EXHIBIT A

Telecom Project located at 1160 Koohoo Place, Por. Lanikai Beach Tract, Kailua, Koolaupoko, Oahu, TMKs (1) 4-3-005:068 & 070 subject to the following conditions:

1. The permittee shall comply with all applicable statutes, ordinances, rules, and regulations of the federal, state, and county governments, and applicable parts of this chapter;
2. The permittee, its successors and assigns, shall indemnify and hold the State of Hawai'i harmless from and against any loss, liability, claim, or demand for property damage, personal injury, and death arising out of any act or omission of the applicant, its successors, assigns, officers, employees, contractors, and agents under this permit or relating to or connected with the granting of this permit;
3. The permittee shall comply with all applicable Department of Health administrative rules;
4. Before proceeding with any work authorized by the department or the board, the permittee shall submit four copies of the construction plans and specifications to the chairperson or an authorized representative for approval for consistency with the conditions of the permit and the declarations set forth in the permit application. Three of the copies will be returned to the permittee. Plan approval by the chairperson does not constitute approval required from other agencies;
5. Unless otherwise authorized, any work or construction to be done on the land shall be initiated within one year of the approval of such use, in accordance with construction plans that have been signed by the chairperson and shall be completed within three years of the approval of such use. The permittee shall notify the department in writing when construction activity is initiated and when it is completed;
6. All representations relative to mitigation set forth in the accepted application and environmental assessment or impact statement for the proposed use are incorporated as conditions of the permit;
7. In issuing the permit, the department and board have relied on the information and data that the permittee has provided in connection with the permit application. If, subsequent to the issuance of the permit such information and data prove to be false, incomplete, or inaccurate, this permit may be modified, suspended, or revoked, in whole or in part, and the department may, in addition, institute appropriate legal proceedings;
8. Where any interference, nuisance, or harm may be caused, or hazard established by the use, the permittee shall be required to take measures to minimize or eliminate the interference, nuisance, harm, or hazard;
9. The permittee shall plan to minimize the amount of dust generating materials and activities. Landscaping and dust control of cleared areas will be initiated promptly;

EXHIBIT A

10. Should historic remains such as artifacts, burials or concentration of charcoal be encountered during construction activities, work shall cease immediately in the vicinity of the find, and the find shall be protected from further damage. The contractor shall immediately contact SHPD (808-692-8015), which will assess the significance of the find and recommend an appropriate mitigation measure, if necessary;
11. The permittee shall utilize Best Management Practices for the proposed project;
12. During construction, appropriate mitigation measures shall be implemented to minimize impacts to the aquatic environment, off-site roadways, utilities, and public facilities;
13. Cleared areas shall be revegetated, in accordance with landscaping guidelines provided in this chapter, within thirty days unless otherwise provided for in a plan on file with and approved by the department;
14. The permittee understands and agrees that the permit does not convey any vested right(s) or exclusive privilege;
15. Obstruction of public roads, trails, and pathways shall be avoided or minimized. If obstruction is unavoidable, the permittee shall provide alternative roads, trails, or pathways acceptable to the department;
16. During construction, appropriate mitigation measures shall be implemented to minimize impacts to off-site roadways, utilities, and public facilities;
17. The permittee shall obtain a county building or grading permit or both for the use prior to final construction plan approval by the department;
18. Artificial light from exterior lighting fixtures, including but not limited to floodlights, uplights, or spotlights used for decorative or aesthetic purposes, shall be prohibited if the light directly illuminates or is directed to project across property boundaries toward the shoreline and ocean waters, except as may be permitted pursuant to section 205A-71, HRS. All exterior lighting shall be shielded to protect the night sky;
19. The permittee acknowledges that the approved work shall not hamper, impede, or otherwise limit the exercise of traditional, customary, or religious practices of native Hawaiians in the immediate area, to the extent the practices are provided for by the Constitution of the State of Hawai'i, and by Hawai'i statutory and case law;
20. Trees taller than 15 feet shall not be removed or trimmed during the Hawai'i Hoary bat birthing and pup rearing season from June 1st to September 15th and no barbed wire shall be constructed;
21. No nighttime construction shall occur during the seabird fledgling period from September 15 to December 15. Outdoor lighting shall be fully shielded so bulbs can

EXHIBIT A

only be seen from below and all outdoor lighting shall be turned off when no human activity is occurring;

22. Other terms and conditions as may be prescribed by the Chairperson; and
23. Failure to comply with any of these conditions shall render this Conservation District Use Permit void under Chapter 13-5, as determined by the chairperson or board.

Respectfully submitted,

Rachel Beasley, Staff Planner
Office of Conservation and Coastal Lands

Approved for submittal:

SUZANNE D. CASE., Chairperson
Board of Land and Natural Resources

EXHIBIT A

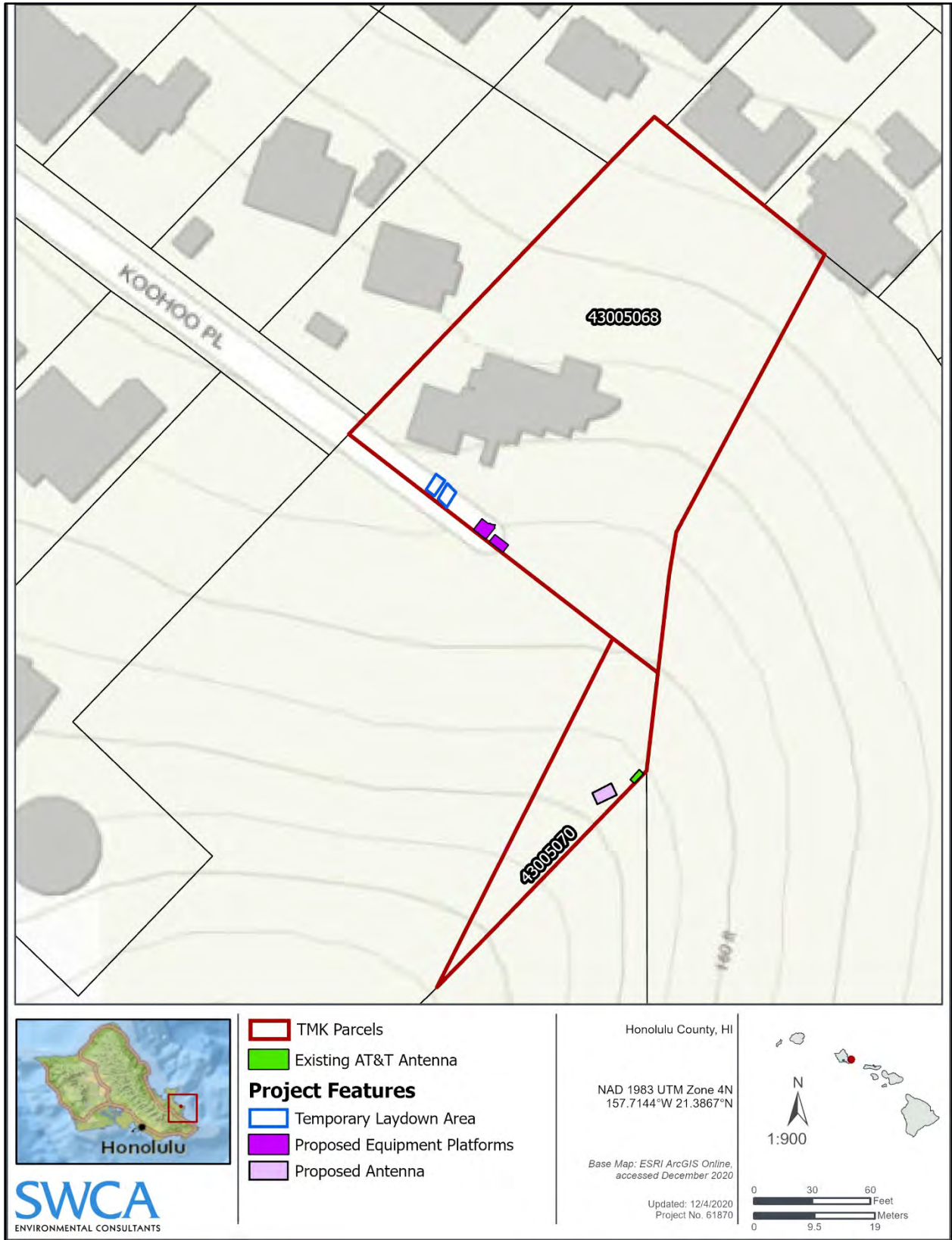


Figure 1. Proposed project location.

EXHIBIT A

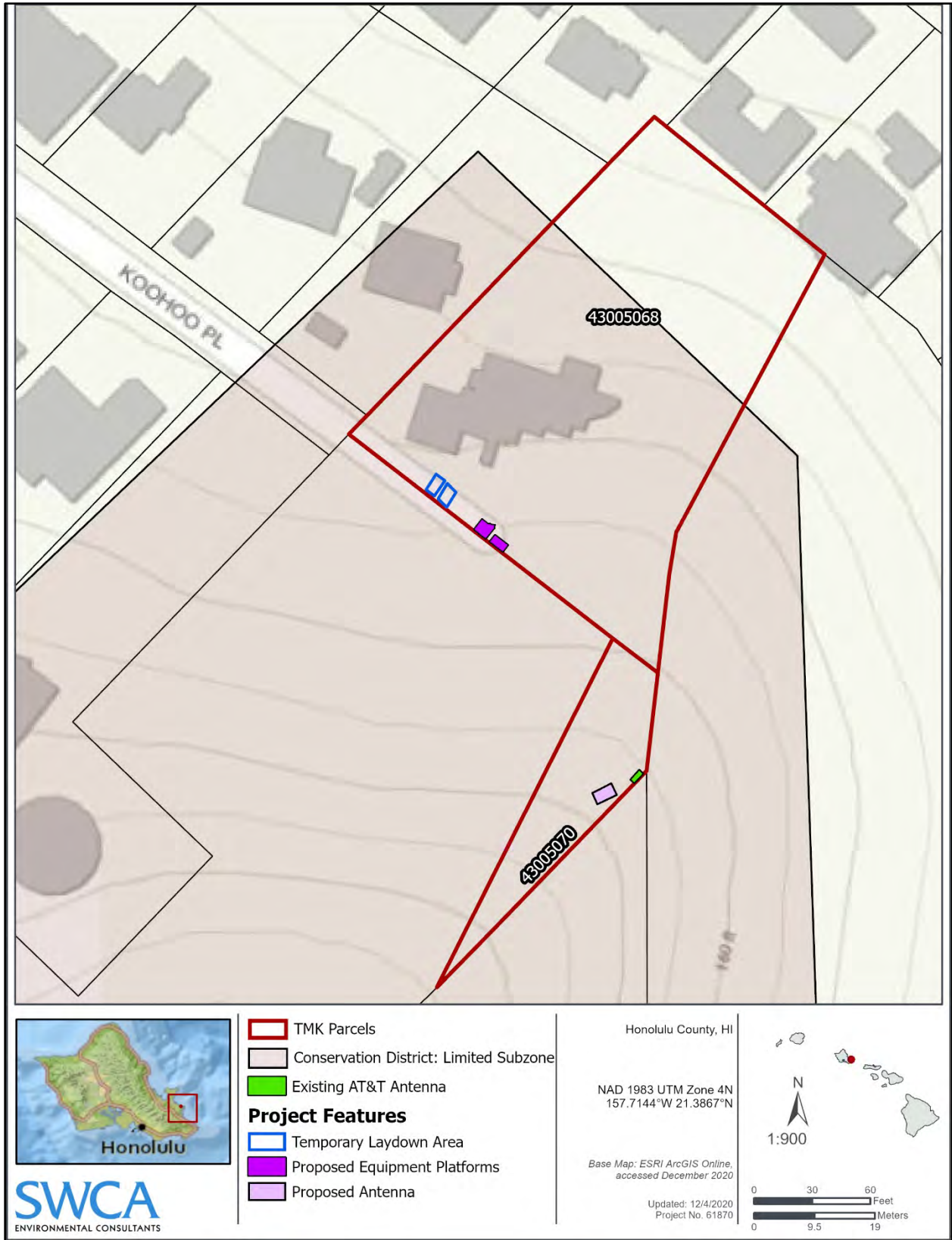


Figure 2. Proposed project location and surrounding Conservation District subzone.

EXHIBIT A

PROJECT SCOPE

1. PROPOSED INSTALLATION OF A TELECOMMUNICATIONS FACILITY FOR VERIZON TWO SEPARATE EXISTING TAX PARCELS.
2. PROPOSED INSTALLATION OF ANTENNAS AND ANCILLARY EQUIPMENT WITHIN A WITHIN A STEALTH ENCLOSURE ADJACENT OTHER CARRIERS STEALTH ENCLOSURE.
3. PROPOSED INSTALLATION OF VERIZON EQUIPMENT WITHIN A FENCED EQUIPMENT ENCLOSURE.
4. PROPOSED INSTALLATION OF NEW 200A ELECTRICAL SERVICE AND FIBER SERVICE.



HON LANIKAI

1160 KOOHOO PLACE
 KAILUA, HI 96734
 TMK: (1) 4-3-005: 068 & 070
 ZONING DRAWINGS

SHEET INDEX

- 001 TITLE SHEET
- 002 TOPOGRAPHIC SURVEY
- A001 OVERALL SITE PLAN
- A002 ENLARGED SITE PLANS
- A003 SECTIONS AND ELEVATIONS

PROJECT CONTACTS

APPLICANT:
 VERIZON WIRELESS
 255 KAHELU AVE
 MILILANI, HI 96789

PROPERTY OWNER:
 STEVEN AND LINDA MUIR
 1160 KOOHOO PLACE
 KAILUA, HI 96734

ZONING/PERMITTING AGENT:
 SYNERGY/ADVANTAGE ENGINEERS
 333 WARD AVENUE, SUITE 3-415
 HONOLULU, HI 96814
 SHANE VISITACION
 PH: 808.392.3641

ZONING/PERMITTING AGENT:
 SYNERGY/ADVANTAGE ENGINEERS
 333 WARD AVENUE, SUITE 3-415
 HONOLULU, HI 96814
 SHANE VISITACION
 PH: 808.392.3641

RF ENGINEER:
 VERIZON WIRELESS
 5430 NE 122ND AVE
 PORTLAND, OR 97230
 DOUG BRIEDWELL

CONSTRUCTION MANAGER:
 VERIZON WIRELESS
 233 KAHELU AVE
 MILILANI, HI 96789
 KIMO LINCOLN

SURVEYOR:
 KN SURVEYING, LLC
 500 ALAKAWA STREET, #100A
 HONOLULU, HI 96817
 KENN S NISHIHARA, LPLS
 PH: 808.524.7100

PROJECT INFORMATION

SITE NAME: HON LANIKAI
ADDRESS: 1160 KOOHOO PLACE
 KAILUA, HI 96734

JURISDICTION: CITY AND COUNTY OF HONOLULU
TMK: (1) 4-3-005: 068 & 070
ZONING: P-1 (RESTRICTED PRESERVATION)
SETBACKS: 15'-0" (FRONT)
 15'-0" (REAR)
 15'-0" (SIDE)

LATITUDE: N 21° 23' 11.02" N (21.386394° N)
LONGITUDE: W 157° 42' 51.03" W (157.714175° W)
SOURCE: 1A CERTIFICATION
GROUND ELEVATION @ ANTENNAS: 217.0' AMSL
GROUND ELEVATION @ EQUIP: ±133.7' AMSL

(N) STRUCTURE HEIGHT: T.B.D. AGL
(N) VERIZON GROUND LEASE AREA: T.B.D. SQ FT

OCCUPANCY: U
GROUP: II-B

DRIVING DIRECTIONS

- FROM VERIZON OFFICE IN MILILANI, HAWAII:
1. HEAD EAST ON KAHELU AVE TOWARD PALII ST
 2. MAKE A U-TURN AT PALII ST
 3. CONTINUE ONTO LEILEHUA RD/WIKAO ST
 4. TURN LEFT ONTO THE RAMP TO HONOLULU
 5. MERGE ONTO I-H-2 S
 6. MERGE ONTO I-H-1 E
 7. TAKE EXIT 14 TO MERGE ONTO HI-630 E/HI-65 E/MOKAPU BLVD TOWARD KAILUA
 8. USE THE RIGHT LANE TO MERGE ONTO HI-630 E/HI-65 E/MOKAPU BLVD (SIGNS FOR KAILUA)
 9. TURN RIGHT ONTO ONEAWA ST
 10. TURN LEFT AT THE 1ST CROSS STREET ONTO KAINUI DR
 11. TURN RIGHT ONTO N KALAHEO AVE
 12. TURN RIGHT ONTO KAILUA RD
 13. TURN LEFT TOWARD KAILUA RD
 14. TURN LEFT ONTO KAILUA RD
 15. SLIGHT RIGHT ONTO S KALAHEO AVE
 16. CONTINUE ONTO LIHIWAI RD
 17. CONTINUE ONTO KAWAIOA RD
 18. TURN LEFT ONTO ALALA RD
 19. CONTINUE ONTO MOKULUA DR
 20. CONTINUE ONTO AALAPAPA DR
 21. SLIGHT RIGHT ONTO KOOHOO PL
- TOTAL MILES: 31.1 MILES
 TOTAL TIME: 42 MINUTES

** THE INFORMATION CONTAINED IN THIS SET OF DOCUMENTS IS PROPRIETARY BY NATURE. ANY USE OR DISCLOSURE OTHER THAN THAT WHICH RELATES TO THE OWNER IS STRICTLY PROHIBITED.

GOVERNING CODES

- 2012 IBC - INTERNATIONAL BUILDING CODE W/ LOCAL AMENDMENTS
- NFPA 2012 - NATIONAL FIRE PROTECTION ASSOCIATION FIRE SAFETY DURING CONSTRUCTION, ALTERATION OR DEMOLITION SHALL COMPLY WITH 2012 NFPA 1
- NEC 2017 - NATIONAL ELECTRICAL CODE
- IECC 2015 - INTERNATIONAL ENERGY CONSERVATION CODE
- A.D.A COMPLIANCE - INSTALLATION IS UNMANNED / NOT FOR HUMAN HABITATION. HANDICAP ACCESS IS NOT REQUIRED PER A.D.A.



DRAWN BY: GS
CHECKED BY: GS

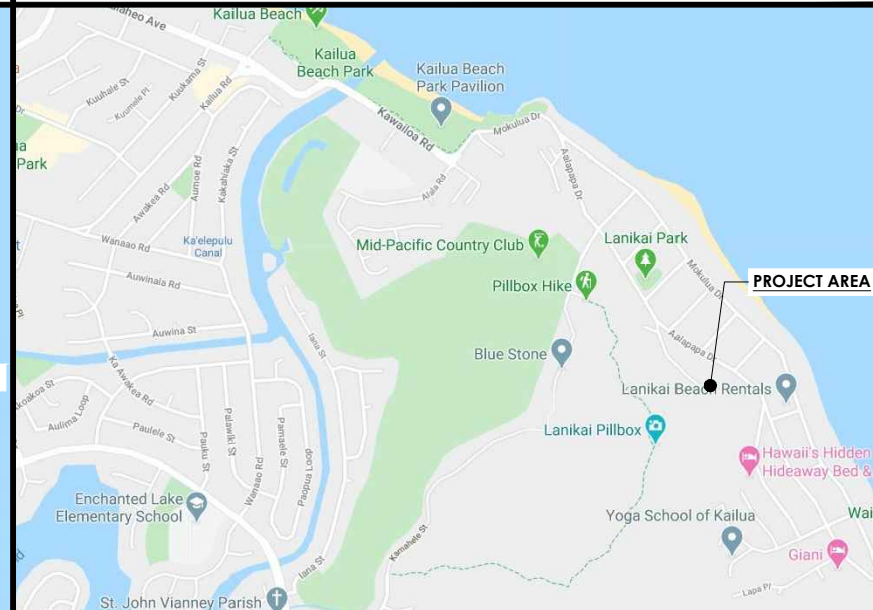
DRAWING VERSION		
VER.	DATE	DESCRIPTION
1	07/28/20	PRELIM ZONING DRAWINGS
2	09/21/20	CLIENT & LL COMMENT
3	02/01/21	FINAL LU DRAWINGS

LICENSER

ISLAND MAP



LOCALIZED MAP



APPROVALS

FINAL CONSTRUCTION DRAWINGS SIGN-OFF

** REVIEWERS SHALL PLACE INITIALS ADJACENT TO EACH REDLINE NOTE AS DRAWINGS ARE BEING REVIEWED.

CONSULTANT/PRINTED NAME	SIGNATURE	DATE
SITE ACQ.:		
PERMITTING:		
RF MGR:		
CONST. MGR:		
OPS. MGR:		
PROJ. MGR:		
REG. REVIEW:		
DEV. MGR:		

PROJECT INFORMATION

HON LANIKAI
 1160 KOOHOO PLACE
 KAILUA, HI 96734
 TMK: (1) 4-3-005: 068 & 070

SHEET TITLE

TITLE SHEET

SHEET NO.

001



Know what's below.
 Call before you dig.

EXHIBIT A



CAPITAL DESIGN SERVICES
 2101 4TH AVE E, SUITE 202
 OLYMPIA, WA 98506
 360.915.6750
 WWW.CAPITALDESIGNSERVICES.COM

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 CHECKED BY: GS

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1	07/28/20	PRELIM ZONING DRAWINGS
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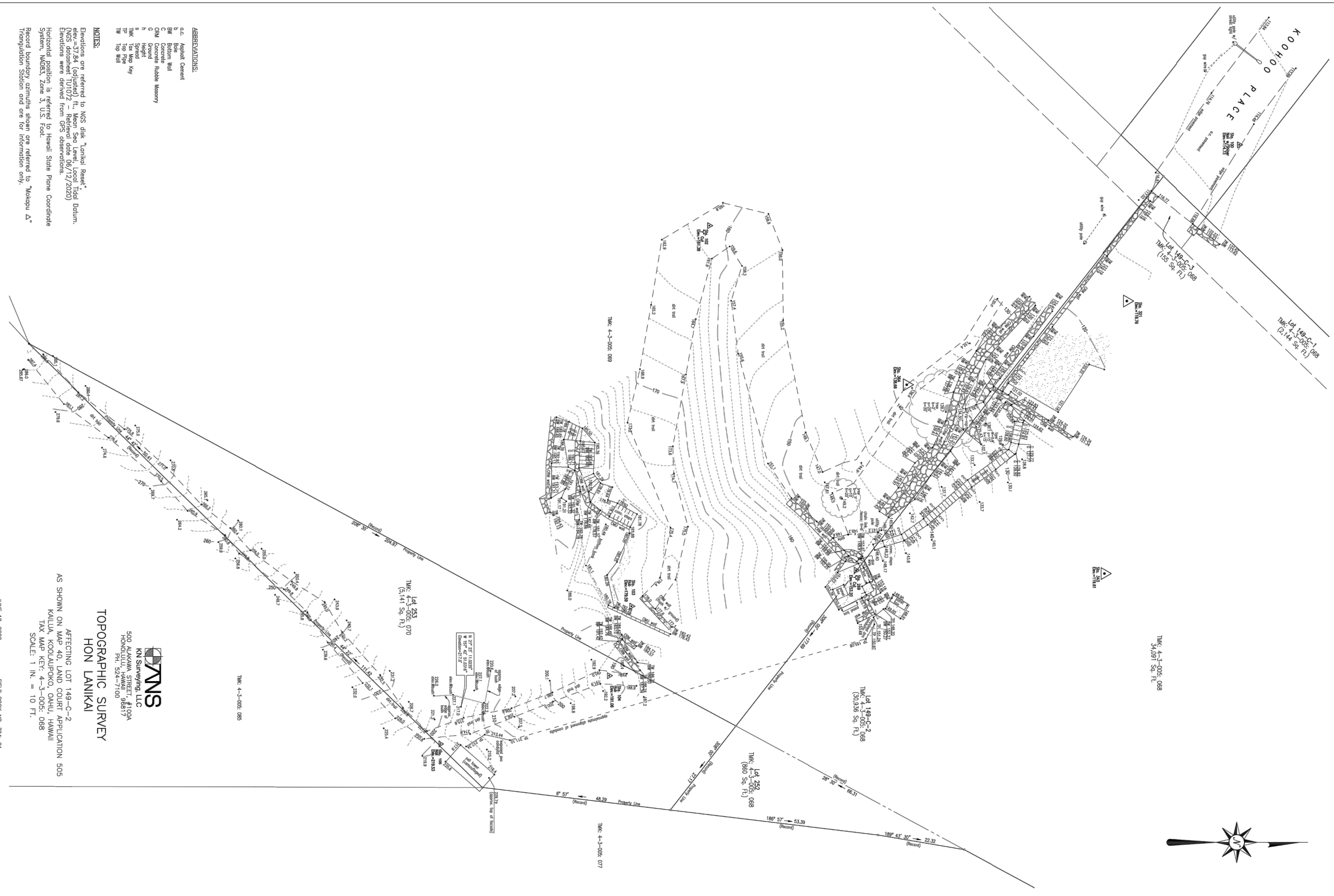
LICENSER

PROJECT INFORMATION
HON LANIKAI
 1160 KOOHOO PLACE
 KAILUA, HI 96734
 TMK: (1) 4-3-005: 068 & 070

SHEET TITLE
LAND SURVEY

SHEET NO.
002

11 X17 SCALE: 1" = 60'-0"
 22 X 34 SCALE: 1" = 30'-0"



- ABBREVIATIONS:**
- a.c. Asphalt Cement
 - Bc Block
 - Br Brick
 - EW Iron Nail
 - C Concrete
 - CM Concrete Rubble Masonry
 - D Driveway
 - E Earth
 - F Foundation
 - G Gravel
 - H Hatched
 - I Iron
 - J Joint
 - K Key
 - L Lead
 - M Masonry
 - N Nails
 - O Oil
 - P Paint
 - Q Quarry
 - R Rubble
 - S Sand
 - T Tar
 - U Unfinished
 - V Vinyl
 - W Wood
 - X X-ray
 - Y Yellow
 - Z Zinc

NOTES:
 Elevations are referred to NGS disk "Honolulu Reseal", elev.=37.84 (adjusted) ft., Mean Sea Level, Local Tidal Datum. (NGS diskserial: TU1072 - Retrieval date 06/12/2020)
 Elevations were derived from GPS observations.
 Horizontal position is referred to Hawaii State Plane Coordinate System, NAD83, Zone 3, U.S. Foot.
 Record boundary azimuths shown are referred to "Mokapu Δ" Triangulation Station and are referred to information only.

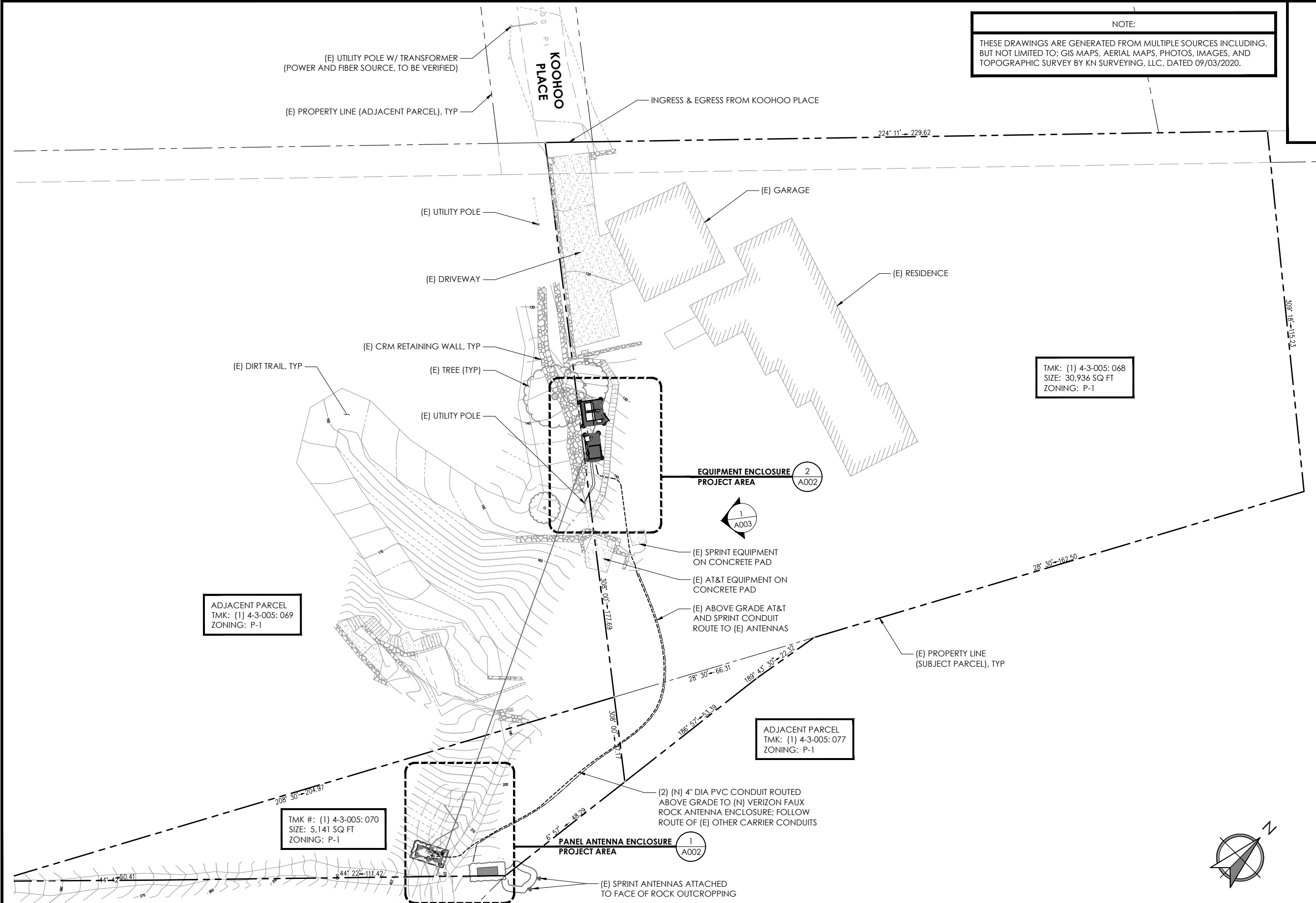
KNS
 KN Surveying, LLC
 500 ALAKAWA STREET, #109A
 HONOLULU, HAWAII 96817
 PH: 524-7100

**TOPOGRAPHIC SURVEY
 HON LANIKAI**

AFFECTING LOT 149-C-2
 AS SHOWN ON MAP 40, LAND COURT APPLICATION 505
 KAILUA, KOOLAUPOKO, OAHU, HAWAII
 TAX MAP KEY: 4-3-005: 068
 SCALE: 1 IN. = 10 FT.

JUNE 18, 2020 FIELD BOOK NO. 394: 01

NOTE:
 THESE DRAWINGS ARE GENERATED FROM MULTIPLE SOURCES INCLUDING, BUT NOT LIMITED TO; GIS MAPS, AERIAL MAPS, PHOTOS, IMAGES, AND TOPOGRAPHIC SURVEY BY KN SURVEYING, LLC, DATED 09/03/2020.



CAPITAL DESIGN SERVICES
 2101 4TH AVE E, SUITE 202
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 360.915.6750
 WWW.CAPITALDESIGNSERVICES.COM

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 CHECKED BY: GS

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LICENSER

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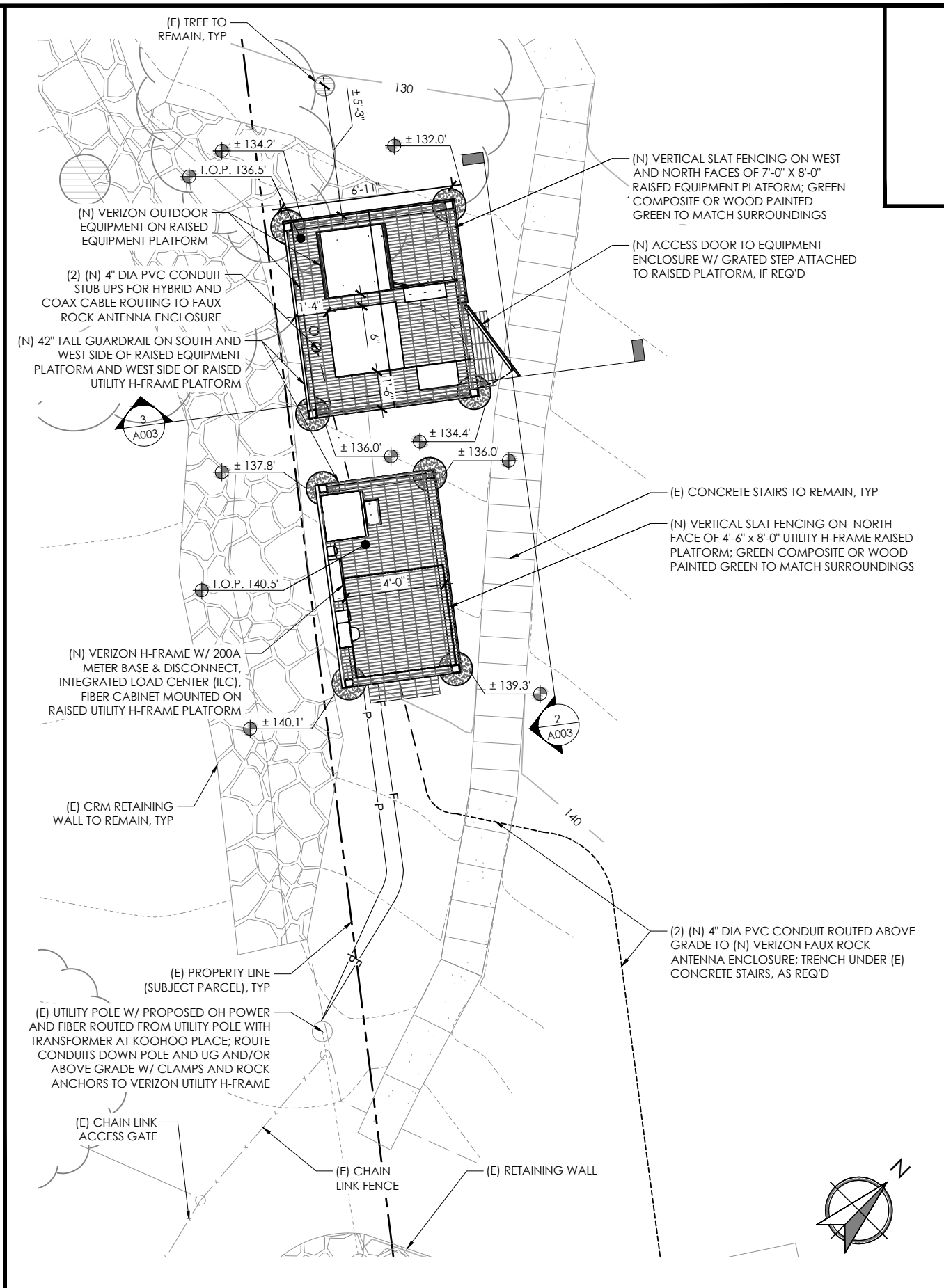
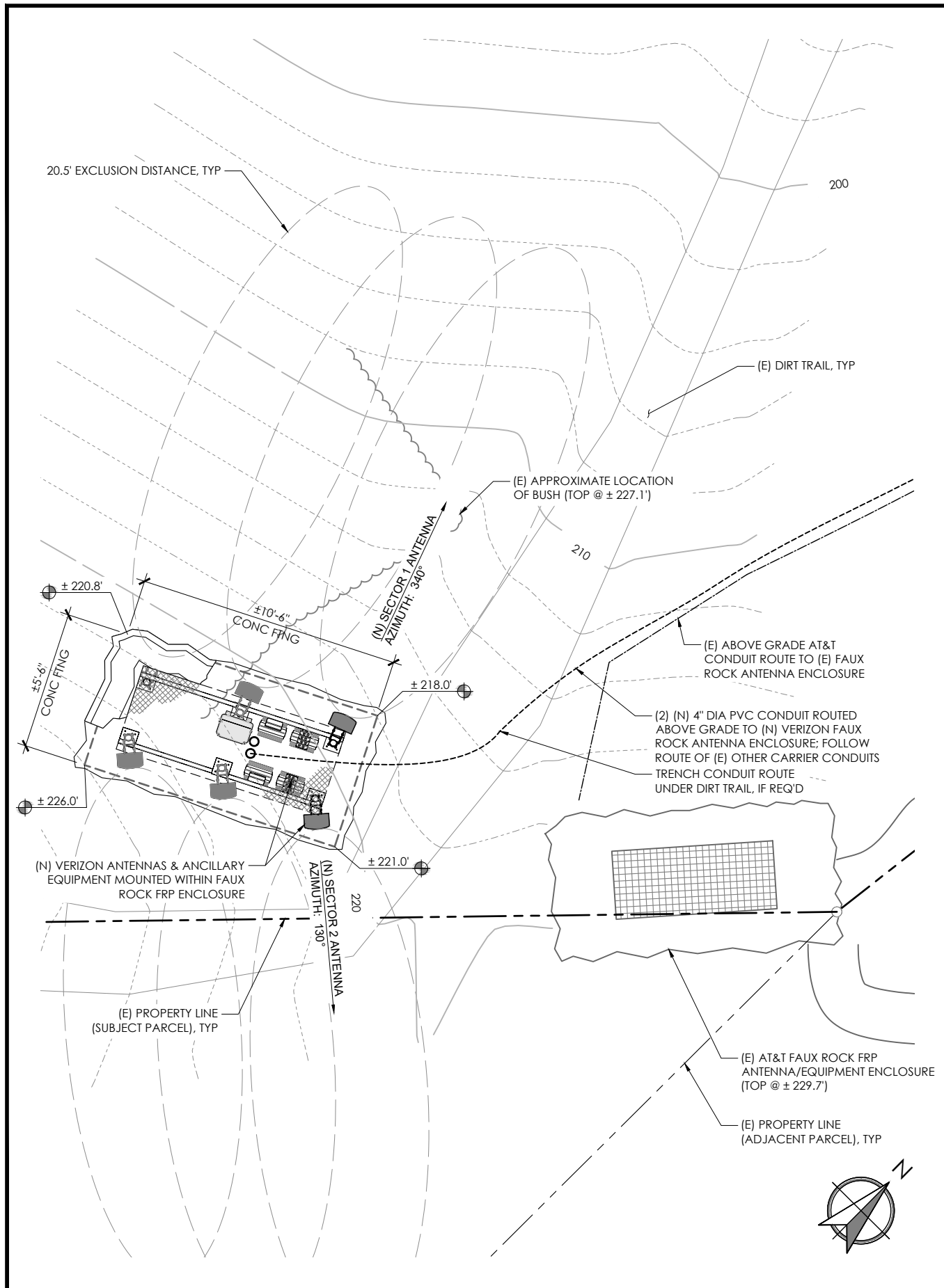
SHEET TITLE
OVERALL SITE PLAN

SHEET NO.
A001

1 OVERALL SITE PLAN

11 X 17 SCALE: 1" = 30'-0"
 22 X 34 SCALE: 1" = 15'-0"
 0' 15' 30' 60'

EXHIBIT A



2101 4TH AVE E, SUITE 202
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VER.	DATE	DESCRIPTION
1	07/28/20	PRELIM ZONING DRAWINGS
2	09/21/20	CLIENT & LL COMMENT
3	02/01/21	FINAL LU DRAWINGS

LICENSER

PROJECT INFORMATION

HON LANIKAI

1160 KOOHOO PLACE
KAILUA, HI 96734
TMK: (1) 4-3-005: 068 & 070

SHEET TITLE

ENLARGED SITE PLANS

SHEET NO.

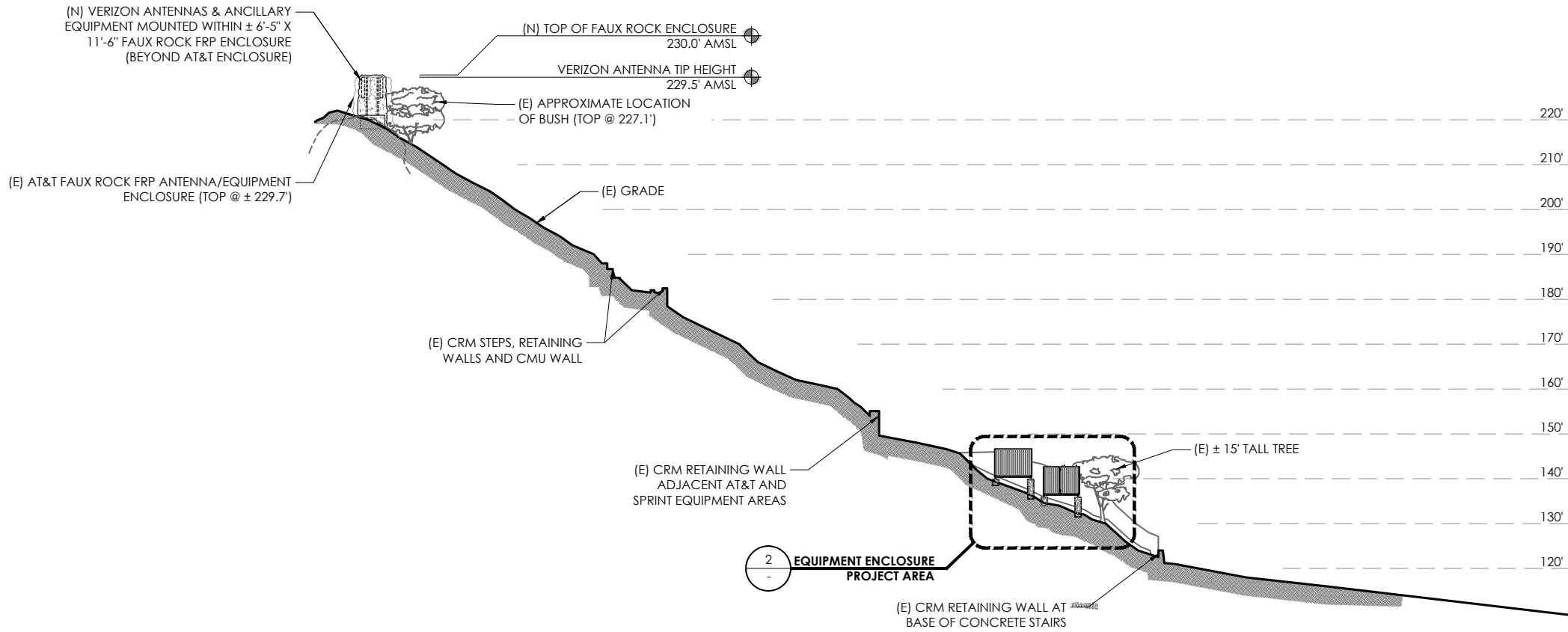
A002

1 ENLARGED ANTENNA PLAN
 11 X 17 SCALE: 3/16" = 1'-0"
 22 X 34 SCALE: 3/8" = 1'-0"

2 ENLARGED EQUIPMENT PLAN
 11 X 17 SCALE: 3/16" = 1'-0"
 22 X 34 SCALE: 3/8" = 1'-0"

11 X 17 SCALE: 3/16" = 1'-0"
 22 X 34 SCALE: 3/8" = 1'-0"

EXHIBIT A



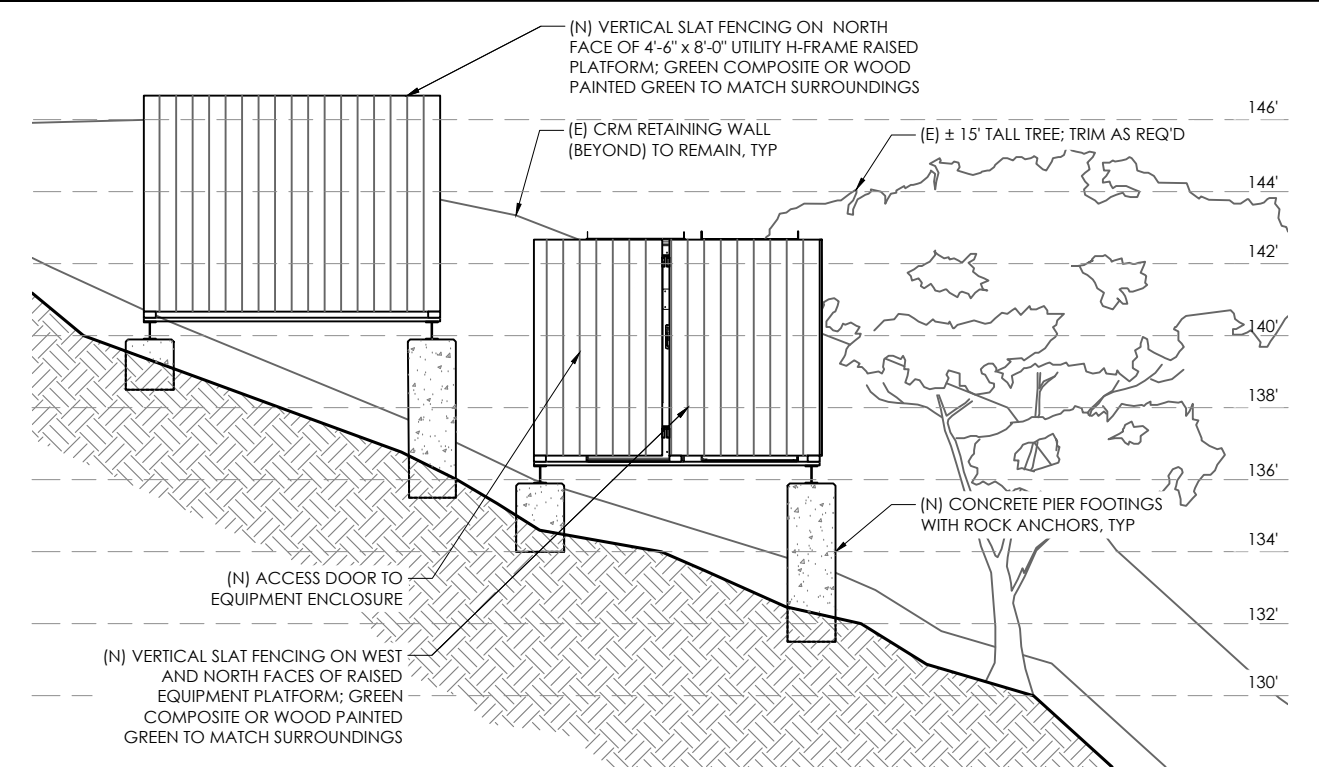
1 PARTIAL SITE SECTION/ELEVATION

11 X 17 SCALE: 1/32" = 1'-0"	0'	16'	32'	64'
22 X 34 SCALE: 1/16" = 1'-0"				



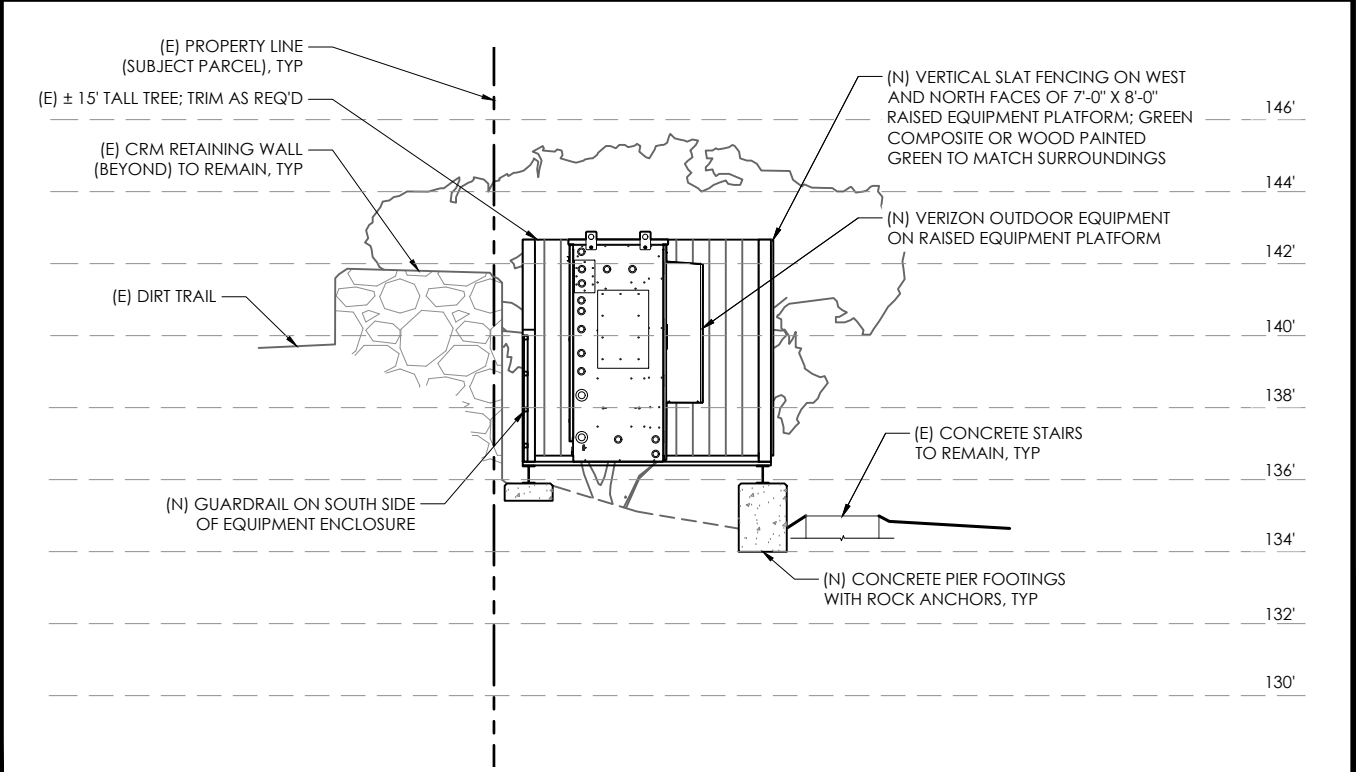
DRAWN BY: GS
CHECKED BY: GS

DRAWING VERSION		
VER.	DATE	DESCRIPTION
1	07/28/20	PRELIM ZONING DRAWINGS
2	09/21/20	CLIENT & LL COMMENT
3	02/01/21	FINAL LU DRAWINGS



2 SECTION/ELEVATION

11 X 17 SCALE: 3/16" = 1'-0"	0'	5'	10'
22 X 34 SCALE: 3/8" = 1'-0"			



3 SECTION/ELEVATION

11 X 17 SCALE: 3/16" = 1'-0"	0'	5'	10'
22 X 34 SCALE: 3/8" = 1'-0"			

LICENSER	

PROJECT INFORMATION
HON LANIKAI
1160 KOOHOO PLACE
KAILUA, HI 96734
TMK: (1) 4-3-005: 068 & 070

SHEET TITLE
SECTIONS AND ELEVATIONS

SHEET NO.
A3.0

EXHIBIT A



Flood Hazard Assessment Report

www.hawaiiinfip.org

Property Information

COUNTY: HONOLULU
 TMK NO: (1) 4-3-005:070
 WATERSHED: KAELEPULU
 PARCEL ADDRESS: ADDRESS NOT DETERMINED
 KAILUA, HI 96734

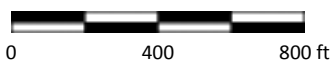
Notes:

Flood Hazard Information

FIRM INDEX DATE: NOVEMBER 05, 2014
 LETTER OF MAP CHANGE(S): NONE
 FEMA FIRM PANEL: 15003C0290H
 PANEL EFFECTIVE DATE: NOVEMBER 05, 2014

THIS PROPERTY IS WITHIN A TSUNAMI EVACUATION ZONE: NO
 FOR MORE INFO, VISIT: <http://www.scd.hawaii.gov/>

THIS PROPERTY IS WITHIN A DAM EVACUATION ZONE: NO
 FOR MORE INFO, VISIT: <http://dlnreg.hawaii.gov/dam/>



Disclaimer: The Hawaii Department of Land and Natural Resources (DLNR) assumes no responsibility arising from the use, accuracy, completeness, and timeliness of any information contained in this report. Viewers/Users are responsible for verifying the accuracy of the information and agree to indemnify the DLNR, its officers, and employees from any liability which may arise from its use of its data or information.

If this map has been identified as 'PRELIMINARY', please note that it is being provided for informational purposes and is not to be used for flood insurance rating. Contact your county floodplain manager for flood zone determinations to be used for compliance with local floodplain management regulations.

FLOOD HAZARD ASSESSMENT TOOL LAYER LEGEND

(Note: legend does not correspond with NFHL)

SPECIAL FLOOD HAZARD AREAS (SFHAs) SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD - The 1% annual chance flood (100-year), also known as the base flood, is the flood that has a 1% chance of being equaled or exceeded in any given year. SFHAs include Zone A, AE, AH, AO, V, and VE. The Base Flood Elevation (BFE) is the water surface elevation of the 1% annual chance flood. Mandatory flood insurance purchase applies in these zones:

	Zone A: No BFE determined.
	Zone AE: BFE determined.
	Zone AH: Flood depths of 1 to 3 feet (usually areas of ponding); BFE determined.
	Zone AO: Flood depths of 1 to 3 feet (usually sheet flow on sloping terrain); average depths determined.
	Zone V: Coastal flood zone with velocity hazard (wave action); no BFE determined.
	Zone VE: Coastal flood zone with velocity hazard (wave action); BFE determined.
	Zone AEF: Floodway areas in Zone AE. The floodway is the channel of stream plus any adjacent floodplain areas that must be kept free of encroachment so that the 1% annual chance flood can be carried without increasing the BFE.

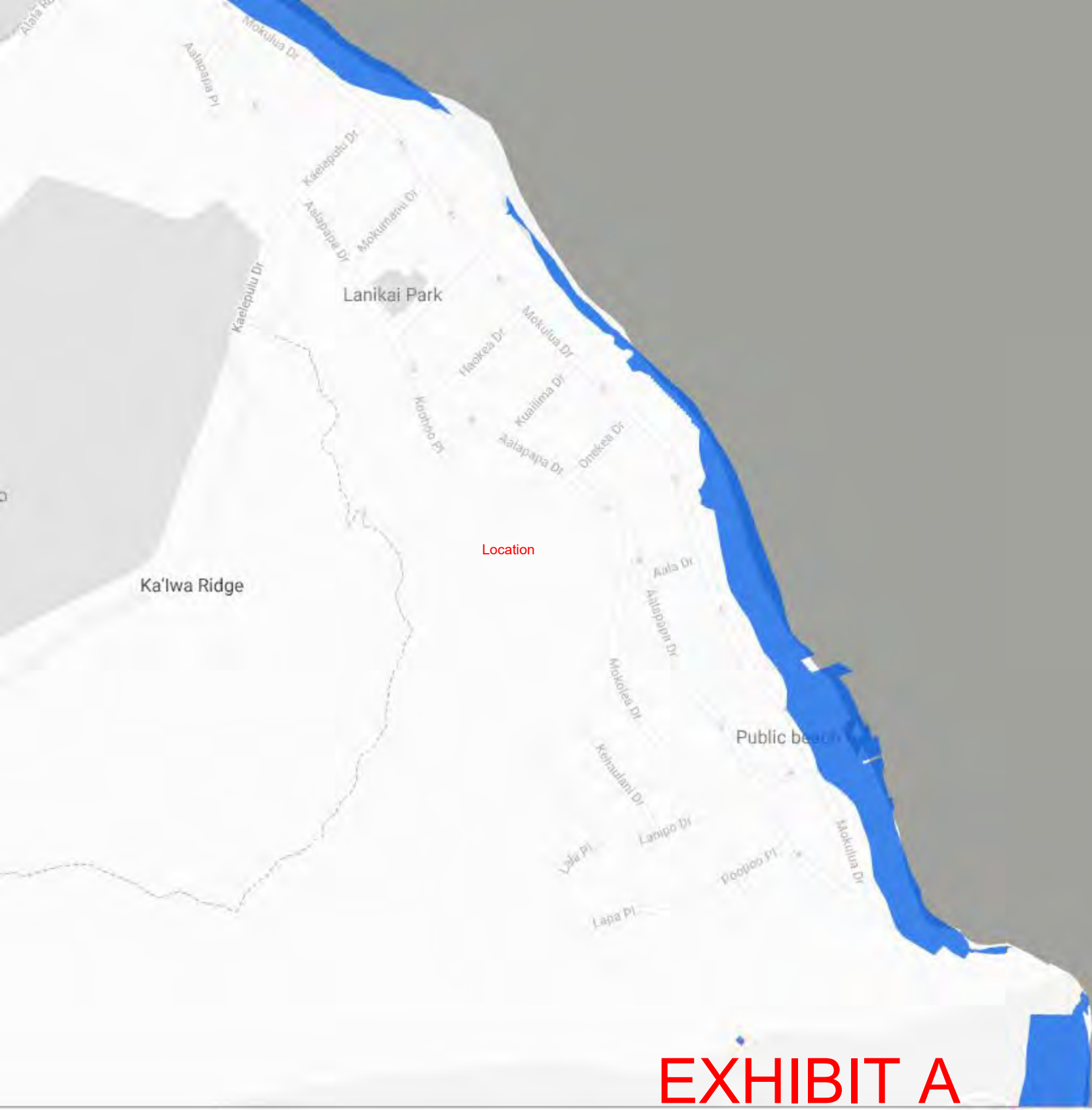
NON-SPECIAL FLOOD HAZARD AREA - An area in a low-to-moderate risk flood zone. No mandatory flood insurance purchase requirements apply, but coverage is available in participating communities.

	Zone XS (X shaded): Areas of 0.2% annual chance flood; areas of 1% annual chance flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 1% annual chance flood.
	Zone X: Areas determined to be outside the 0.2% annual chance floodplain.

OTHER FLOOD AREAS

	Zone D: Unstudied areas where flood hazards are undetermined, but flooding is possible. No mandatory flood insurance purchase applies, but coverage is available in participating communities.
--	---

EXHIBIT A



BASEMAPS

EXPOSURE

Sea Level Rise Exposure Area ⓘ
(SLR-XA) (a, b, and c combined area)

- 0.5 ft
- 1.1 ft
- 2.0 ft
- 3.2 ft

- a. Passive Flooding ⓘ
all major islands
- b. Annual High Wave Flooding ⓘ
Kaua'i, Maui, and O'ahu only
- c. Coastal Erosion ⓘ
Kaua'i, Maui, and O'ahu only

VULNERABILITY

- Potential Economic Loss ⓘ
- Flooded Highways ⓘ

OTHER OVERLAYS

[expand](#) • [collapse](#) • [clear](#) • [hide](#)

EXHIBIT A

center: 21 3341° -157 7320°



SAY 'NO' TO ANOTHER CELL TOWER ON LANIKAI'S PRESERVATION LAND

②

Name	Hawaii Resident?	Email or /Phone	Signature
Kate Kaylandall	Yes	[REDACTED]	<i>[Signature]</i>
Gunda Nollenberger	Yes		<i>[Signature]</i>
Cindy Sakai	Yes		<i>[Signature]</i>
Nicole Wong	Yes		<i>[Signature]</i>
Julia Horie	Yes		<i>[Signature]</i>
Michael Yamane	Yes		<i>[Signature]</i>
Erika Kim	Y		<i>[Signature]</i>
James Gerritsen	Yes		<i>[Signature]</i>
Alano Davis	Yes		<i>[Signature]</i>
Jasmine Kumar	Yes		<i>[Signature]</i>
Jeff Hendrix	Yes		<i>[Signature]</i>

SAY 'NO' TO ANOTHER CELL TOWER ON LANIKAI'S PRESERVATION LAND

⑤

Name	Hawaii Resident?	Email or /Phone	Signature
David Lewis	Y	[REDACTED]	<i>[Signature]</i>
Victor in onaka	Y		<i>[Signature]</i>
Jeffrey Mann	Y		<i>[Signature]</i>
Denise Duque	Y		<i>[Signature]</i>
Tai Figueroa	Y		<i>[Signature]</i>

SAY 'NO' TO ANOTHER CELL TOWER ON LANIKAI'S PRESERVATION LAND

Name	Hawaii Resident?	Email or /Phone	Signature
S. H. Dawson	Yes		S. H. Dawson
Diana Kalan	Yes		dianakalan@comcast.net
George Nardin	Yes		George Nardin
Shannon Marvotte	Yes		Shannon Marvotte
SHERYL MARSHALL	Yes		Sheryl Marshall
CURTIS HAWKINS	Yes		Curtis Hawkins
Bill Colby	Yes		Bill Colby
John G. Coles	Yes		John G. Coles
George Hewitt	Yes		George Hewitt
Carlos Sanchez	Yes		Carlos Sanchez
DONALD HU	Yes		Donald Hu
Melanie Meinken	Yes		Melanie Meinken
STEVEN RITCHEY	Yes		Steven Ritchey
Mike Turrita	Yes		Mike Turrita
Bruce Schmitt	Yes		Bruce Schmitt
Paul Zehngraf	Yes		Paul Zehngraf
Karen Williams	Yes		Karen Williams
Shawna Scoggins	Yes		Shawna Scoggins
Caroline Takata	Yes		Caroline Takata
Denise Lopes	Yes		Denise Lopes
Pam Lotko	Yes		Pam Lotko
Mafalda K. Hirata	Yes		Mafalda K. Hirata
Martha Nansen	Yes		Martha Nansen
Nailene Hoppner	Yes		Nailene Hoppner
Joe Casano	Yes		Joe Casano

25

SAY 'NO' TO ANOTHER CELL TOWER ON LANIKAI'S PRESERVATION LAND

Name	Hawaii Resident?	Email or /Phone	Signature
RITA COMEANY	YES	[REDACTED]	
Ryan Tucker	YES		
John Fila	Yes		
Kaitlyn Dosenberg	Yes		
Austin Trujillo	Yes		
Jason Jinks	Yes		
Vessa Lundgren	yes		
Ashley Dart	YES		
Jessica Palmer	Yes		
Nat Qui-kwan	Yes		
Dona GERMAIN	Yes		
ALEX LUI KWAN	Yes		
Thamega Ramele	yes		
Tena Dumas	Yes		
Ashley Chen	YES		
Stephanie Quay	yes		
Rhegan Wada	yes		
Rebekka Zaffke	Yes		
Kristy Henderson	Yes		
Erik Ortega	Yes		
Aiyana Flores	yes		
Tracy Myers	yes		
Jacob Lewis	Yes		
Chanisha Martin	Yes		
Keen Yano	yes		
Chow Yu	Yes		

⊗
26

SAY 'NO' TO ANOTHER CELL TOWER ON LANIKAI'S PRESERVATION LAND

Name	Hawaii Resident?	Email or /Phone	Signature	
Kam Goodbar	Y		Kam Goodbar	
Julio Lemus	Y		Julio Lemus	
Blake Smith	Y		Blake Smith	
JOSHUA LIPPETT	Y		Joshua Lippett	
Haley Mijoka	Y		Haley Mijoka	
RYTWIN LEE	Y		Rytwyn Lee	
BRANDON FORTES	Y		Brandon Fortes	
Jessica Rohr	Y		Jessica Rohr	
SHANE ARMOUR	Y		Shane Armour	
Adrian Torres	Y		Adrian Torres	
Ali Shekhar	Y		Ali Shekhar	
Paul Izak	Y		Paul Izak	
Anthony Markham	Y		Anthony Markham	
Jonathan Puyler	Y		Jonathan Puyler	
Jeremy Kuykendall	Y		Jeremy Kuykendall	
Derek Simon	Y		Derek Simon	
Lauren Smith	Y		Lauren Smith	
Howard Volkenberger	Y		Howard Volkenberger	
Jacqueline Fosas	Y		Jacqueline Fosas	
Adam Smith	Y		Adam Smith	
Ella Daly	Y		Ella Daly	
Allison Khemany	Y			
Allison Khemany	Y		Allison Khemany	
Suw Kumar	Y		Suw Kumar	
J Mc Clellan	Y		J Mc Clellan	
26) Gabe Braudens	Y		Gabe Braudens	

SAY 'NO' TO ANOTHER CELL TOWER ON LANIKAI'S PRESERVATION LAND

Name	Hawaii Resident?	Email or /Phone	Signature
Glenda Hofmann	1/2 time		ail.com [Signature]
Francisco Porbillo	Y		com [Signature]
Hannah Wells	Y		Hawthorn [Signature]
Undray O'Driscoll	Y		[Signature]
Kirsten Olson	Y		[Signature]
Kim Mann	Y		Kevin Mann [Signature]
Dale Stevens	Y		ben Dale [Signature]
Shelly Wheeler	Y		on street [Signature]
Kevin Gledhill	Y		com Walker [Signature]
Marlon Bura	Y		ad.com [Signature]
Abby Kennedy	Y		th [Signature]
KAUNA'I GIZOTA	Y		r.com [Signature]
KIMBERLY MASSENA	Y		on [Signature]
Gary North	Y		el.com [Signature]
Keaton Kim	Y		[Signature]
Alice Bourke	Y		AnnBourke [Signature]
Whitley Rose	Y		on [Signature]
ANDREW BURKE	Y		W.A. [Signature]
Ethan West	yes		[Signature]
MAURENE KONSTIN	yes		[Signature]
Emma P. Alberti	yes		om [Signature]
Zehao Zhang	yes		[Signature]
Taylor Kavielf	yes		[Signature]
Lauren Johnson	yes		[Signature]
Kayla Martin	yes		Ray [Signature]
Sammy	yes		[Signature]
Michael Johnson	yes		[Signature]

19

(27)

SAY 'NO' TO ANOTHER CELL TOWER ON LANIKAI'S PRESERVATION LAND

Name	Hawaii Resident?	Email or /Phone	Signature
Anthony Fink	yes		[Signature]
Akino Fink	yes		[Signature]
Vandra Livingston-Tellie	yes		[Signature]
Hannah Sullivan	yes		[Signature]
Meredith Marcote	yes		[Signature]
Darce McManus	yes		[Signature]
Juergen Niebel	yes		[Signature]
Charlie + Bruce Kumashiro	yes/yes		[Signature]
Lynne Leschmer	yes		[Signature]
Johanna Morgan	yes		[Signature]
Jammy	yes		[Signature]
Jay Stuenkel	yes		[Signature]
Janet Edwards	yes		[Signature]
Chris Halsey	Yes		[Signature]
Yuko Furukawa	yes		[Signature]
Michelle Nava	yes		[Signature]
Agnes Tarteli	yes		[Signature]
Tanya Daranzo	yes		[Signature]
Christina Webb	yes		[Signature]
Nora Yangquist	Yes		[Signature]
Su Ferandiz	yes		[Signature]
Tonya Stevenson	yes		[Signature]
Sarah Baker	yes		[Signature]
Dana Bean	yes		[Signature]
MATHEW SARGENT	YES		[Signature]
CHRISTINA SARGENT	YES		[Signature]
Tyra Freitas	yes		[Signature]
Anoia Ucar	Yes		[Signature]
Hang Good	yes		[Signature]
Nalani Leonard	yes		[Signature]
Joana Fletchall	yes		[Signature]

31

SAY 'NO' TO ANOTHER CELL TOWER ON LANIKAI'S PRESERVATION LAND

Name	Hawaii Resident?	Email or /Phone	Signature
Nailah Lord	yes		
Jenny Drummond	yes		
Emma Johnson	yes		
MARGARET	yes		
Robert Marcolis	part time		w.com R Marcolis
Serena Portillo	yes		
Miya Maleneni	student		
JOSEPH CORREIA	YES		
Jonathan Lucas	yes		
NELSON	yes		
Dionicio Guzman	yes		
Jessica Wilkes	yes		Jessica Wilkes
Dennis Roberts	yes		
Kelsey White	yes		Kelsey White
Jensen Taraba	yes		
Laura Jackson-Curry	yes		
Leilani Roberts	yes		
Rachel Webb	yes		Rachel Webb
Theresa	yes		
Armando Gomez	yes		
CASEY WONG	YES		
ARNEL DEAS SANTOS	YES		
DAVID ANDRAOS	YES		
Eisia Souza	yes		
Jade Silva Vieira	yes		Jade Silva Vieira
Dalene Nam Nekoa	yes		
M. Neelisin	yes +		
DEREK SCHLECHT	YES		
Helen McKeen	yes		
Moana DeMello	yes		Moana DeMello
Ann Takula	yes		
Emma Harrington	yes		

20

(32)

SAY 'NO' TO ANOTHER CELL TOWER ON LANIKAI'S PRESERVATION LAND

Name	Hawaii Resident?	Email or /Phone	Signature
Rodgers, Trevor	yes		
Traykovski, Megan	Yes		
Johnson, Gabriela	yes		
Montano, Nikko	yes		Nikko Montano
Winfrey, Sarah	yes		
MARK BUCKS	No		
CHRIS PALMER	YES		
Amysa Nathanson	yes		
Karaline Schmitz	yes		
Alison Dugas	yes		
Jay Kelly	yes		
Tyrone Douglas	yes		
Jody Blanchard	yes		
Stephanie Ke	YES		
Lois Talebi	Yes		Lois Talebi
Megan Aho	Yes		
Elizabeth Madin	yes		
Sara D. (Sara D. Gracia)	yes		S. D. Gracia
Joe Memum	yes		
Tom Stone	Yes		Tom Stone
Jenny Harrison	yes		
Sarah Myatt	yes		
	yes		CHRIS STONE
Madison Willard	yes		
Barb Huongker	yes		
DANIEL ADAMS	Yes		
SANDRA ADAMS	Yes		Sandra Adams
Ulunchi Malama	yes		Ulunchi Malama
Gina Gentile	yes		
NEIL FREITELL	Yes		
Nancy Freitell	yes		ng Freitell
(32) Faco Caavedra	yes		Faco Caavedra

SAY 'NO' TO ANOTHER CELL TOWER ON LANIKAI'S PRESERVATION LAND

Name	Hawaii Resident?	Email or /Phone	Signature
Tressa Parsley	Yes		[Signature]
Cassidi Gabriel	Yes		[Signature]
Dalvin Gabriel	yes		[Signature]
Rose Kimie	yes		[Signature]
Giancarlo Cortez	Yes		[Signature]
Kortney Krupsky	Yes		[Signature]
HAROLD J FALK	YES		[Signature]
JOHN R RICE	YES		[Signature]
DAWNING W	Yes		[Signature]
Laura Cage	Yes		[Signature]
MARIELLE DARY	Yes		[Signature]
Chris Tawnyen	yes		[Signature]
Hideki Kinukui	Yes		[Signature]
DS Tawny	✓		[Signature]
Nadym Kostymenko	yes		[Signature]
Susan Berger	yes		[Signature]
Becky Taylor	yes		[Signature]
Jennie Payne	yes		[Signature]
Darnell Wadd	Yes		[Signature]
Yshai Yudekovitz	No		[Signature]
Sarah Scherling	yes		[Signature]
Alice James-Yudekovitz	no		[Signature]
Aaron Skinner	YES		[Signature]
Mikaela Ziger	ni.		[Signature]
Vicki Cuningham	Yes		[Signature]
Maria Kalai Denzer	yes		[Signature]
Davelen Tenn	yes		[Signature]
Morano Cecilia	Yes		[Signature]
Loretta Falco	yes		[Signature]
RYAN SCARF	Yes		[Signature]
NATHAN CALHON	Yes		[Signature]
VIVIAN CALHON	Yes		[Signature]

32

EXHIBIT A

SAY 'NO' TO ANOTHER CELL TOWER ON LANIKAI'S PRESERVATION LAND

Name	Hawaii Resident?	Email or /Phone	Signature
Gary Brock	Y		
Laura Byrd	Y		
CORE JOHNSON	Y		usa.com
Kristine Giannasio	Y		Kingston
Ymidori Akamine	Y		com
Darles Inzen	Y		Darles
Lori Lloyd	Y		com Lori Lloyd
Jay Geist+Kemper	Y		@gmail 99
Raedelle Van Fossen	Y		
Nai'a Snyder	Y		
Jane Redman	Y		
Thelissa Holtz	Y		2 Neelisa Holtz
Jesse Mullis	Y		Jesse Mullis
Gretchen Robinson	Y		
Johnnie del Castillo	Y		ork Johnnie
Tamara Berger	Y		
Michelle Debus	Y		com
Penni Parker	Y		Penni Parker
MARY SCALONE	Y		
William Oik	Y		
TIFFANY JOHANNIS	Y		
Lina Dietrick	Y		Lina Dietrick
Sandra Swalen	Y		
DENISE FRANKS	Y		
STEVEN PROCTOR	Y		
Doree Kubota	Y		Doree Kubota
Daria Siler	Y		
Elena Mazzonis	Y		
Colin Arnold	X		Colin Arnold
Camel Lindsay	X		Camel Lindsay
Nina Hutchings	Y		
Caroline Rissan	Y		

(32)

SAY 'NO' TO ANOTHER CELL TOWER ON LANIKAI'S PRESERVATION LAND

Name	Hawaii Resident?	Email or /Phone	Signature
Justin Badme	yes		Justin Badme
Don Byrd	yes		Don Byrd
TOPH Johnson	yes		TOPH Johnson
Justin Salzer	yes		Justin Salzer
Tim McKenna	yes		Tim McKenna
Devin Ling	yes		Devin Ling
Beth Gustkemper	yes		Beth Gustkemper
Debbie Sato	yes		Debbie Sato
Holly Rana	yes		Holly Rana
Suzanne Danner	yes		Suzanne Danner
William Lane	yes		William Lane
Thore Pinto	yes		Thore Pinto
Matthew Snyder	yes		Matthew Snyder
John Schlimm	yes		John Schlimm
Ali Aspelin	yes		Ali Aspelin
Kayla McGowan	yes		Kayla McGowan
Barbie Quinones	yes		Barbie Quinones
Marcia Braden	yes		Marcia Braden
Romelle Verdugo	yes		Romelle Verdugo
KM Headrick	yes		KM Headrick
Jeffrey Oik	yes		Jeffrey Oik
Andrew Johannis	yes		Andrew Johannis
Chelley Morton	yes		Chelley Morton
Keona Klute	yes		Keona Klute
Deborah Wilson	yes		Deborah Wilson
JETTY CAWKA	yes		JETTY CAWKA
Aileen Suizu	yes		Aileen Suizu
Shoshan Lunt	yes		Shoshan Lunt
P. Grossman	yes		P. Grossman
Sherry Brogan	yes		Sherry Brogan
Deborah Wagner	yes		Deborah Wagner
Mary Ann Brachli	yes		Mary Ann Brachli

(32)

SAY 'NO' TO ANOTHER CELL TOWER ON LANIKAI'S PRESERVATION LAND

Name	Hawaii Resident?	Email or /Phone	Signature
JANICE Nielsen	Yes		[Signature]
Brad Wood	Y		[Signature]
Heather W Boteho	yes		[Signature]
Rolly ALVARADO	YES		[Signature]
BARRY DOUMA	No		[Signature]
Jacky DOUMA	NO		[Signature]
Ron Diggs	Yes		[Signature]
JOSH LOVR	Yes		[Signature]
Bryce Konarick	Yes		[Signature]
Ka Brooke	Yes		[Signature]
Casey Braxs	Yes		[Signature]
Wendy [unclear]	Yes		[Signature]
Wendy [unclear]	Yes		[Signature]
Marilyn Schritelle	Yes		[Signature]
Shirley Marks	yes		[Signature]
Cindy Beers	yes		[Signature]
Jennifer Solpe	Yes		[Signature]
Kilauua Tolbert	yes		[Signature]
Emily Thomas	yes		[Signature]
IGOR SOBRERA	Yes		[Signature]
JOELATINE SOBRERA	YES		[Signature]
Celeste Smith	YES		[Signature]
Eva Wittinger	Yes		[Signature]
Lauren Harvey	Yes		[Signature]
Thea O'Neal	yes		[Signature]
DeBane Kelly	yes		[Signature]
SEAN SCARFES Sean Scarfes	yes		[Signature]
Richard D Kautzman	yes		[Signature]
Sharon Ohtaka-Katro	yes		[Signature]
Sharon Lovejoy	yes		[Signature]
Lisa Patnam	yes		[Signature]
Michael Patnam	yes		[Signature]

wesley
pax
Lancilla
Nidomi

SEAN
SCARFES

(32)

SAY 'NO' TO ANOTHER CELL TOWER ON LANIKAI'S PRESERVATION LAND

Name	Hawaii Resident?	Email or /Phone	Signature
Karen McKinnis	Y		[Signature]
Sharon Sager	Y		[Signature]
Cindy KANOVER	Y		[Signature]
Deborah Wood	Y		[Signature]
Robert H Guard	Y		[Signature]
MELISSA MAYER	Y		[Signature]
Christine Crosby	Y		[Signature]
Cindy Diggs	Y		[Signature]
Jewi Brooks	Y		[Signature]
Tarum Brooks	Y		[Signature]
Devon Brooks	Y		[Signature]
Courtney Beers	Y		[Signature]
Cheryl Peterson	Y		[Signature]
Shumin Liao	Y		[Signature]
JUTA Hurler	Y		[Signature]
Charles Tom Juchacz	Y		Masaki Schwalbenitz
Lee Stack	Y		Lee Stack
MIKE Jurek	Y		[Signature]
Ashlee Woods	Y		[Signature]
Agnette M Von Thun	Y		[Signature]
Paul G. Harvey	Y		Paul G. Harvey
Christine	Y		[Signature]
Diana Carroll	Y		[Signature]
Sara Dunham	Y		[Signature]
Stine Lewentowicz	Y		[Signature]
Douglas Smith	Y		[Signature]
LOIS CROWLEY	Y		[Signature]
Hala Tonto	Y		[Signature]
JOHN WILSON	Y		[Signature]
Vasana Chiu	Y		[Signature]
Andrew Jenkins	Y		[Signature]
EN Aou	Y		[Signature]

(32)

EXHIBIT A

SAY 'NO' TO ANOTHER CELL TOWER ON LANIKAI'S PRESERVATION LAND

Name	Hawaii Resident?	Email or /Phone	Signature
Ray Hadulco	Yes		Ray Hadulco
Paige Bombardier	Yes		Paige Bombardier
Keana O'Connor	Yes		Keana O'Connor
David Kane	Yes		David Kane
Olan Felix	Yes		Olan Felix
Connor Oursler	No		Connor Oursler
Miranda Carter	Yes		Miranda Carter
Utiliia	No		Utiliia
Rae W.	Yes		Rae W.
Keri Lung	No		Keri Lung
Matt Dotseth	Yes		Matt Dotseth
Samantha Zalopaw	Yes		Samantha Zalopaw
Annika Miller	Yes		Annika Miller
Dee Dennis	Yes		Dee Dennis
Andria Garmond	No		Andria Garmond
Hasan Scott	Yes		Hasan Scott
Elle Ashlock	Yes		Elle Ashlock
Steve Myers	Yes		Steve Myers
Troy Maratta	Yes		Troy Maratta
JATE ROLFE	Yes		JATE ROLFE
Storm Wilcoxon	Yes		Storm Wilcoxon
Nick Weigher	Yes		Nick Weigher
Corrine Creighton	Yes		Corrine Creighton
Cynthia Nakamura	Yes		Cynthia Nakamura
David Michael	Yes		David Michael
JANA NELSON	Yes		JANA NELSON
Steve Dale	Yes		Steve Dale
John Whaley	Yes		John Whaley
Norma Vasquez	Yes		Norma Vasquez
BECKY BUIJTEN	Yes		BECKY BUIJTEN
Rustyn Gorai	Yes		Rustyn Gorai
Marilou Gorai	Yes		Marilou Gorai

(32)

EXHIBIT A

SAY 'NO' TO ANOTHER CELL TOWER ON LANIKAI'S PRESERVATION LAND

Name	Hawaii Resident?	Email or /Phone	Signature
LEGGANN GRUANA	Y		mail.com [Signature]
TONY MANKA	Y		[Signature]
Sabine Hadules	Y		[Signature]
Shane Bombardier	Y		[Signature]
Kristen Mailhean	Y		[Signature]
Elijah Felix-Vierra	Y		Winn Felix-Vierra
JOSITHA KWAPP	Y		[Signature]
Willie Arnold	Y		com [Signature]
Cole Arnold	Y		de [Signature]
OLIVIA SUSKI	Y		Olivia Suski
Ryan Koch	Y		[Signature]
MICHELE K. HERRAS-FAZZI	YES		Michele K. Herras-Fazzi
Brenda Lowrey	Y		mail.com [Signature]
Philipp Oria	Y		[Signature]
Joel Chiu	Y		[Signature]
Natalie Dotsch	Y		[Signature]
Kaniela Zolofow	YES		Kaniela Z
Sophie Sidhu	YES		[Signature]
Jamal Khan	Y		[Signature]
Kristin Khan	Y		[Signature]
ELSA van Hail	YES		ESsa van Hail
Ryn Ashlock	Y		[Signature]
Izumij Kuniyoshi	yes		[Signature]
Thomas H. Ledwith	Yes		Thomas H. Ledwith
Stephanie Parker	Yes		80 [Signature]
Karina Gallegos Suarez	yes		[Signature]
Julietta Camplong	yes		com [Signature]
Shandee Lum	Y		[Signature]
Teneil Buckley	yes		Teneil Buckley
Aubrey Brown	no		com [Signature]
Mik [Signature]	no		[Signature]
Jenn Velazquez	YES		[Signature]

(32)

SAY 'NO' TO ANOTHER CELL TOWER ON LANIKAI'S PRESERVATION LAND

Name	Hawaii Resident?	Email or /Phone	Signature
DONALD ADAMS	Y		
Mabel Trafford	Y		
Stephen E. Miller	Y		
Amy McCarthy	Y		
Josh Ingram	Y		
Gabe Sanchez	Y		
MARSHALL CARRY	Y		
BRANDEN KAUEWAI	Y		
Tori Espig	Y		
daniia girvin	Y		
Aidan Mofelele	Y		
Aaliyah 'Tabz' Schatzke	Y		
David Lee	Y		
Remy Spier	Y		
Joey Gaudreau	Y		
Sam Gaimley	Y		
Molly Rinker	Y		
M. Curran	Y		
M. Hoffmann	Y		
Brandy N.	Y		
JACOB ANDERSON	Y		
TAYLOR LEE	Y		
Alfred Hagen	Y		
Kala Lee	Y		
Cara Campora	Y		
mia campora	Y		
Brenda Moritz	Y		
LIAM Moritz	Y		
Max Moritz	Y		
Britney Maser	Y		
Cindy Maser	Y		
Anne Shiparski	Y		
Jamarion Hall	Y		

33

SAY 'NO' TO ANOTHER CELL TOWER ON LANIKAI'S PRESERVATION LAND

Name	Hawaii Resident?	Email or /Phone	Signature
Lyndsen Yotogo	YES	[REDACTED]	Lyndsen Yotogo
Dr. Terry Baukhan	YES		Terry Baukhan
Joel Cavasso	YES		Joel Cavasso
Susanna Westbrook	YES		Susanna Westbrook
Robbie Nicholas	YES		Robbie Nicholas
Robert Caruso	YES		Robert Caruso
8b Jackie Black	YES		JACKIE BLACK
Don Tomich	YES		Don Tomich
Borden Tw	YES		Borden Tw
CORY ANDRACO	YES		CORY ANDRACO
Wendy Wallace	YES		Wendy Wallace
Charity A. Tyler	YES		Charity A. Tyler
Swim A. Tyler	YES		Swim A. Tyler
JUAN MEDINA	YES		JUAN MEDINA
Alan Singer	YES		Alan Singer
Bill Mason	YES		Bill Mason
17 John Millette	YES		John Millette
Ben Miller	NO		Ben Miller
Arcelia Munstrom	NO		Arcelia Munstrom
Konno, Tsuyoshi	YES		Konno, Tsuyoshi
Konno, Tada	YES		Konno, Tada
Jennifer Admitt	YES		Jennifer Admitt
DIXON HANTRY	YES		DIXON HANTRY
Blake Reary	YES		Blake Reary
TERRY CARPENTER	YES		TERRY CARPENTER
COLIN CARPENTER	YES		COLIN CARPENTER
Francis Baker	YES		Francis Baker
James Mange	YES		James Mange
JOHN LEWIS	YES	JOHN LEWIS	
Telyn Kekaula	YES	Telyn Kekaula	
Marrisa Chung	YES	Marrisa Chung	
Marleen Moreira	YES	Marleen Moreira	
33 Krystal Takafuji	YES	Krystal Takafuji	

SAY 'NO' TO ANOTHER CELL TOWER ON LANIKAI'S PRESERVATION LAND



Community impact

1. **Environmental impact.** Ka'iwa Ridge is zoned P-1, which is the most restricted preservation land in the state. Preservation land is preserved for the community including wildlife and needs to be protected from commercial / industrial development. Ka'iwa Ridge is known by residents to be a Wedge-tailed Shearwater nesting area for decades.
2. **Visual impact.** As seen in the photo above, the faux rock enclosure does not blend into the surroundings and will be very obvious and unsightly. It is shameful to destroy such a beautiful, scenic, centrally located ridge line in our community.
3. **Close proximity to homes & health concerns.** The proposed cell tower site is very close to three main streets that surround this ridge and many residents are concerned of the continuous radiofrequency radiation exposure.
4. **Do we need another cell tower?** We already have two cell towers owned by AT&T and Sprint! These towers provide full coverage in the area and also serve other providers. Approval for Verizon sets a dangerous precedent paving the way for more commercial enterprise on preservation land.

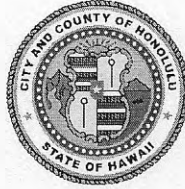
Please contact Rachel E Beasley (rachel.e.beasley@hawaii.gov) at the Office of Conservation and Coastal Lands directly. Please reference (CDUA) OA-3879 for Conservation and Coastal Land Committee Meeting of DLNR.

EXHIBIT A

DEPARTMENT OF PLANNING AND PERMITTING
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 7TH FLOOR • HONOLULU, HAWAII 96813
PHONE: (808) 768-8000 • FAX: (808) 768-6041
DEPT. WEB SITE: www.honolulu.dpp.org • CITY WEB SITE: www.honolulu.gov

RICK BLANGIARDI
MAYOR



DEAN UCHIDA
DIRECTOR

DAWN TAKEUCHI APUNA
DEPUTY DIRECTOR

EUGENE H. TAKAHASHI
DEPUTY DIRECTOR

2021/SMA-18(JY)

MINOR PERMIT: SPECIAL MANAGEMENT AREA (SMA)	
File Number:	2021/SMA-18
Project:	Verizon Wireless – HON Lanikai Schaberg Residence
(Valuation):	(\$379,693)
Owner:	Dan Schaberg
Applicant	Verizon Wireless
Agent:	Synergy/Advantage Engineers c/o NTP LLC (Grant Nakaya)
Location:	1160 Koohoo Place (Kailua)
Tax Map Keys:	4-3-005: 068 and 070
Zoning:	P-1 Restricted Preservation District
Date Accepted:	September 8, 2021

We have reviewed your proposal for a Utility Installation, Type B (telecommunications facility) and find that it lies within the SMA established in Chapter 25, Revised Ordinances of Honolulu (ROH). We have determined that the proposed development has a stated valuation of less than \$500,000 and will have no significant effect on the SMA. Therefore, an SMA Permit is hereby **APPROVED**, subject to the following conditions:

1. Development site shall be in general conformance with the application documents (received on March 15, and September 8, 2021), and as shown on Exhibits A through C, which are now the approved plans for the Project on file with the Department of Planning and Permitting (DPP). There shall be no modification to the approved plans for the Project without prior review of and approval by the Director of the DPP. Modifications shall require a new SMA (Minor) Permit.

EXHIBIT A

2. If the actual valuation of the proposed work ultimately exceeds \$500,000, then the Project shall be returned to DPP for further review under Chapter 25, ROH.
3. This application has only been reviewed and approved pursuant to the provisions of ROH Chapter 25, and its approval shall not constitute compliance with the requirements of other governmental agencies. These are subject to separate review and approval. The Applicant shall be responsible for insuring that the final plans for the Project approved under this permit comply with all applicable provisions and requirements of other government agencies, including compliance with the provisions of the Land Use Ordinance.
4. If, during construction, any previously unidentified archaeological sites or remains (such as artifacts, shell, bone, or charcoal deposits, human burials, rock, or coral alignments, pavings, or walls) are encountered, the Applicant shall stop work and contact the State Department of Land and Natural Resources, State Historic Preservation Division (SHPD) immediately. Work in the immediate area shall be stopped until SHPD is able to assess the impact and make recommendations for mitigative action.
5. The Director of the DPP may modify the conditions of this approval by imposing additional conditions, modifying existing conditions, or deleting conditions deemed satisfied upon a finding that circumstances related to the approved Project have significantly changed so as to warrant a modification to the conditions of approval. In the event of the noncompliance with any of the conditions set forth herein, the Director of the DPP may terminate all uses approved under this permit or halt their operation until all conditions are met or may declare this permit null and void or seek civil enforcement.

The Applicant proposes a Utility Installation, Type B at the Schaberg Residence in Kailua which consists of two parcels, Tax Map Keys 4-3-005: 068 (Parcel 68) and 070 (Parcel 70). The parcels are on the hillside with an approximately 52 percent slope and accessed by Koohoo Place. Both parcels are located within the SMA, and the construction activity for the telecommunications facility is determined to be development, as defined in Section 25-1.3(1) of the ROH. The area of work is in Flood Zone X which are flood areas that are determined to be outside the 500-year flood plain and are not subject to ROH Chapter 21A. Soils for the site include Kokokahi very stony clay, a moderately well-drained soil with medium to rapid runoff and slow to moderately slow permeability; Papaa clay, also a well-drained soil, with slow to rapid runoff depending on slope and slow permeability; and stony steep land, a well-drained to excessively drained, rocky and stony land.

Proposed work includes the installation of antennas and ancillary equipment within a faux rock enclosure of fiber reinforced plastic (FRP), two equipment enclosures which will have green slat fencing on exposed faces, and a four-inch conduit linking the antennas and the equipment enclosures. The antennas and ancillary equipment will be on Parcel 70 and the equipment enclosures are on Parcel 68. An existing concrete stairway and dirt path provide access from Koohoo Place to the telecommunications facility. The two equipment enclosures, which follow the slope of the hillside, are down slope from the antennas and ancillary equipment. The placement of the telecommunications facility are near existing trees and shrubs. All construction and staging will occur on site. The total Project valuation for this Project is \$379,693 and qualifies for an SMA minor permit. The Project should not have any substantial adverse environmental or ecological effect on the SMA.

Because the telecommunications facility is a use within State Conservation Land Use District, this proposal is subject to the provisions of Chapter 343, Hawaii Revised Statutes, related to Environmental Impact Statements. The accepting agency for the Environmental Assessment (EA) is the State Department of Land and Natural Resources (DLNR). The Draft EA was published in the February 23, 2021 edition of the Environmental Review Program "The Environmental Notice." On September 8, 2021, the DLNR issued a Finding of No Significant Impact for the telecommunications facility.

Any person who is specifically, personally and adversely affected by the Director's action (in this case) and wants to appeal any part or requirement of the action may submit a written request for contested case hearing to the DPP within thirty (30) calendar days from the date of mailing, personal service, or publication of the action of the Director. Contested case hearings shall be conducted pursuant to Chapter 12 of the DPP Part 2 Rules Relating to Shoreline Setbacks and the SMA. Essentially, these Rules require that a petitioner show that the Director based his action on an erroneous finding of a material fact, and/or that the Director otherwise acted in an arbitrary or capricious manner, or there are extenuating circumstances. The filing fee for a contested case hearing is \$400 (payable to the City and County of Honolulu).

A copy of this approval should accompany your application(s) for construction permits.

EXHIBIT A

2021/SMA-18
Page 4

Should you have any questions, please contact Joette Yago, of our Urban Design Branch, at 768-8034, or via email at jyago@honolulu.gov.

Enclosures: Exhibits A through C

cc: Office of Planning (Shichao Li)

THIS COPY, WHEN SIGNED BELOW, IS NOTIFICATION OF THE ACTION TAKEN.

	<i>for</i>	Director	September 8, 2021
SIGNATURE		TITLE	DATE

This approval does not constitute approval of any other required permits, such as building or sign permits.

EXHIBIT A

NOTE:
 THESE DRAWINGS ARE GENERATED FROM MULTIPLE SOURCES INCLUDING, BUT NOT LIMITED TO: GIS MAPS, AERIAL MAPS, PHOTOS, IMAGES, AND TOPOGRAPHIC SURVEY BY AN SURVEYING, LLC. DATED 07/05/2022.



CAPITAL DESIGN SERVICES
 2101 ATHANE A. SUITE 202
 KAILUA, HI 96734
 350.919.9789
 WWW.CAPITALDESIGNSERVICES.COM

DRAWN BY: GS
 CHECKED BY: GS

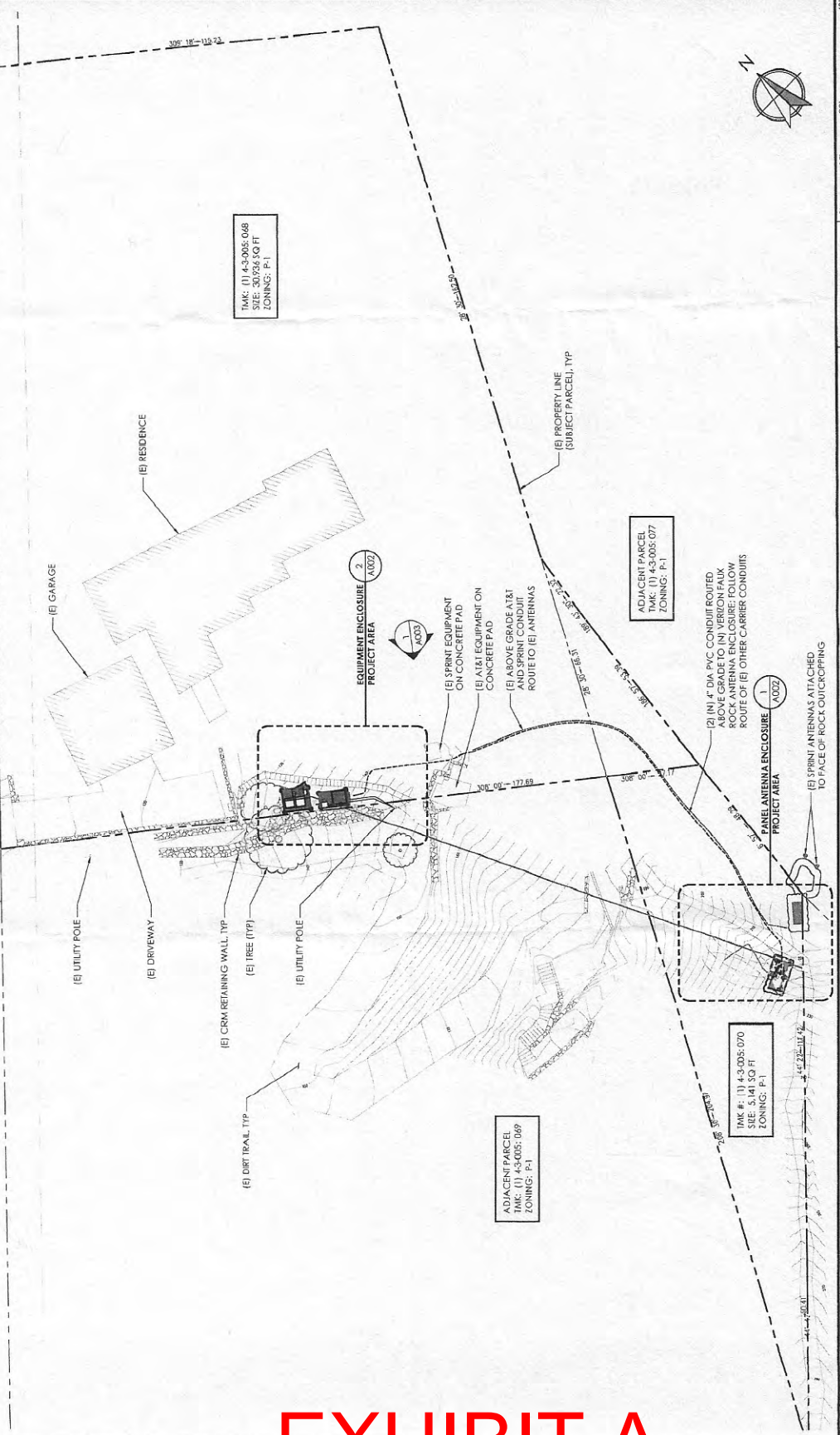
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2	09/21/20	CLIENT & LLC COMMENT
3	02/01/21	FINAL U DRAWINGS

LICENSER

PROJECT INFORMATION
HON LANIKAI
 1160 KOOHOO PLACE
 KAILUA, HI 96734
 TMS: (1) 4-3-005:068 & 070

SHEET TITLE
OVERALL SITE PLAN

SHEET NO.
A001



11 X 17 SCALE: 1" = 30'-0"
 22 X 34 SCALE: 1" = 15'-0"

OVERALL SITE PLAN

EXHIBIT A

EXHIBIT A



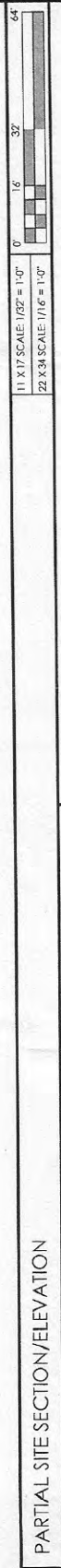
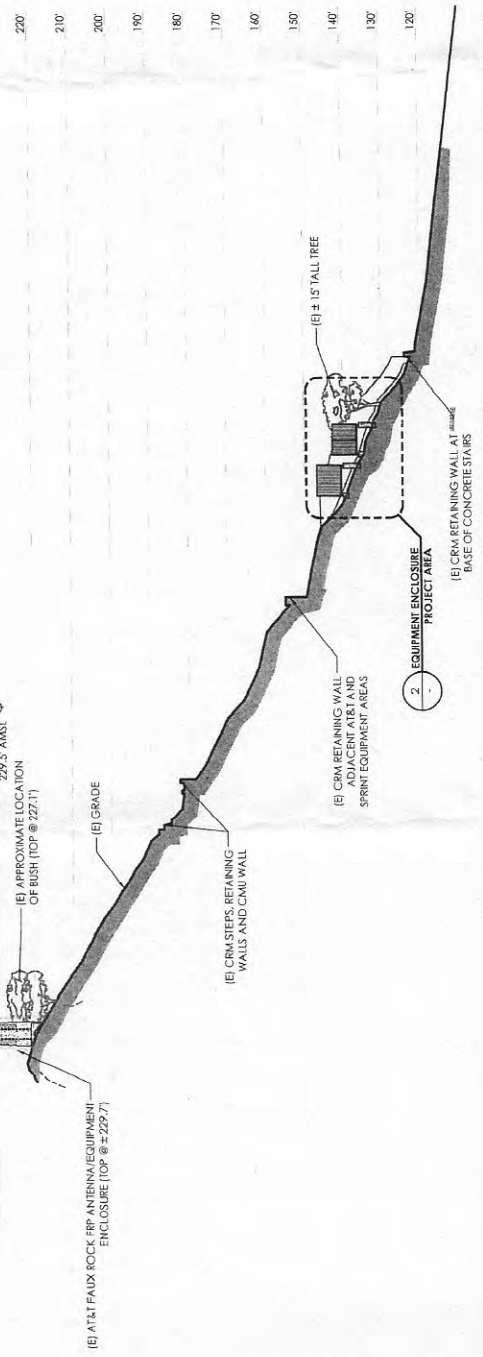
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CHECKED BY:	GS	
DRAWING VERSION		
VER.	DATE	DESCRIPTION
1	07/28/20	PRELIM ZONING DRAWINGS
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LICENSER

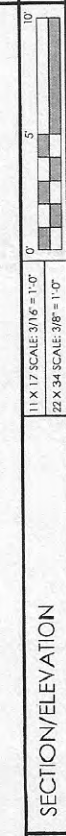
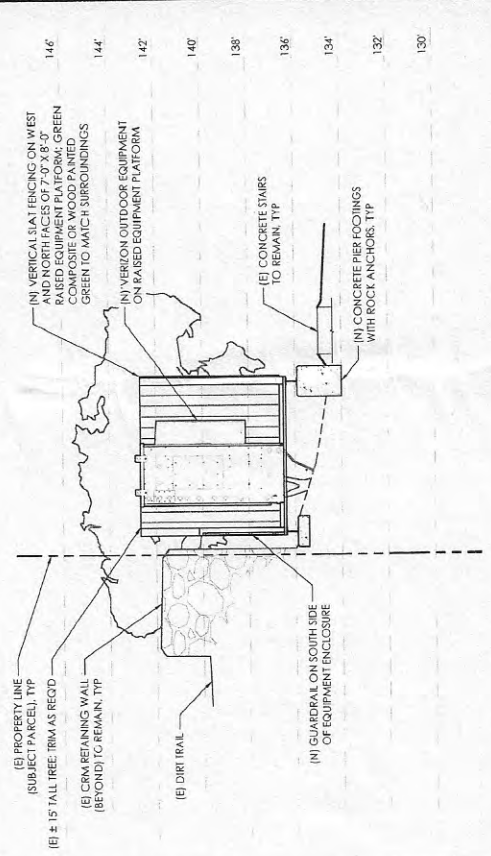
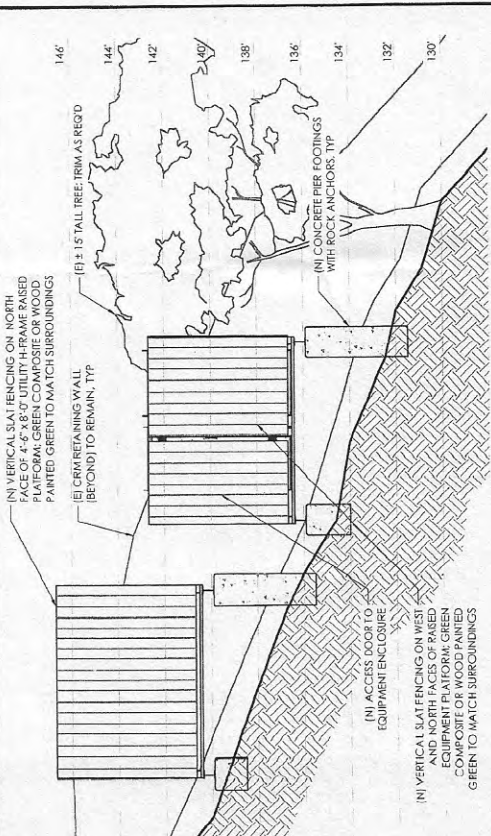
PROJECT INFORMATION
HON LANIKAI
 1160 KOOHOO PLACE
 KAILUA, HI 96734
 T/MK: (1) 4-3-005; 068 & 070

SHEET TITLE
SECTIONS AND ELEVATIONS

SHEET NO.
A3.0



PARTIAL SITE SECTION/ELEVATION



SECTION/ELEVATION

SECTION/ELEVATION

EXHIBIT C

EXHIBIT A

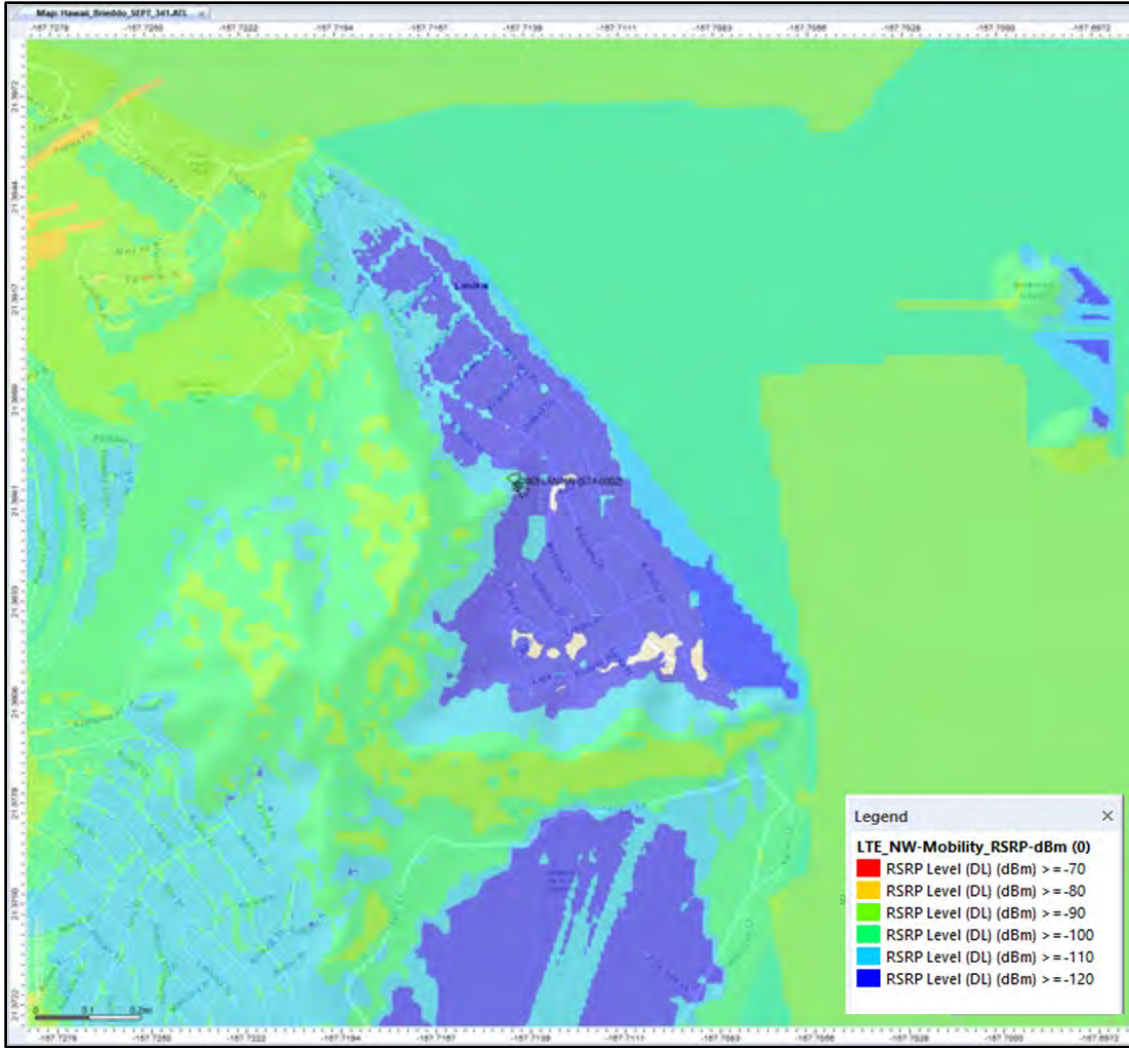


Figure 11. Current advanced wireless service mid-band service.

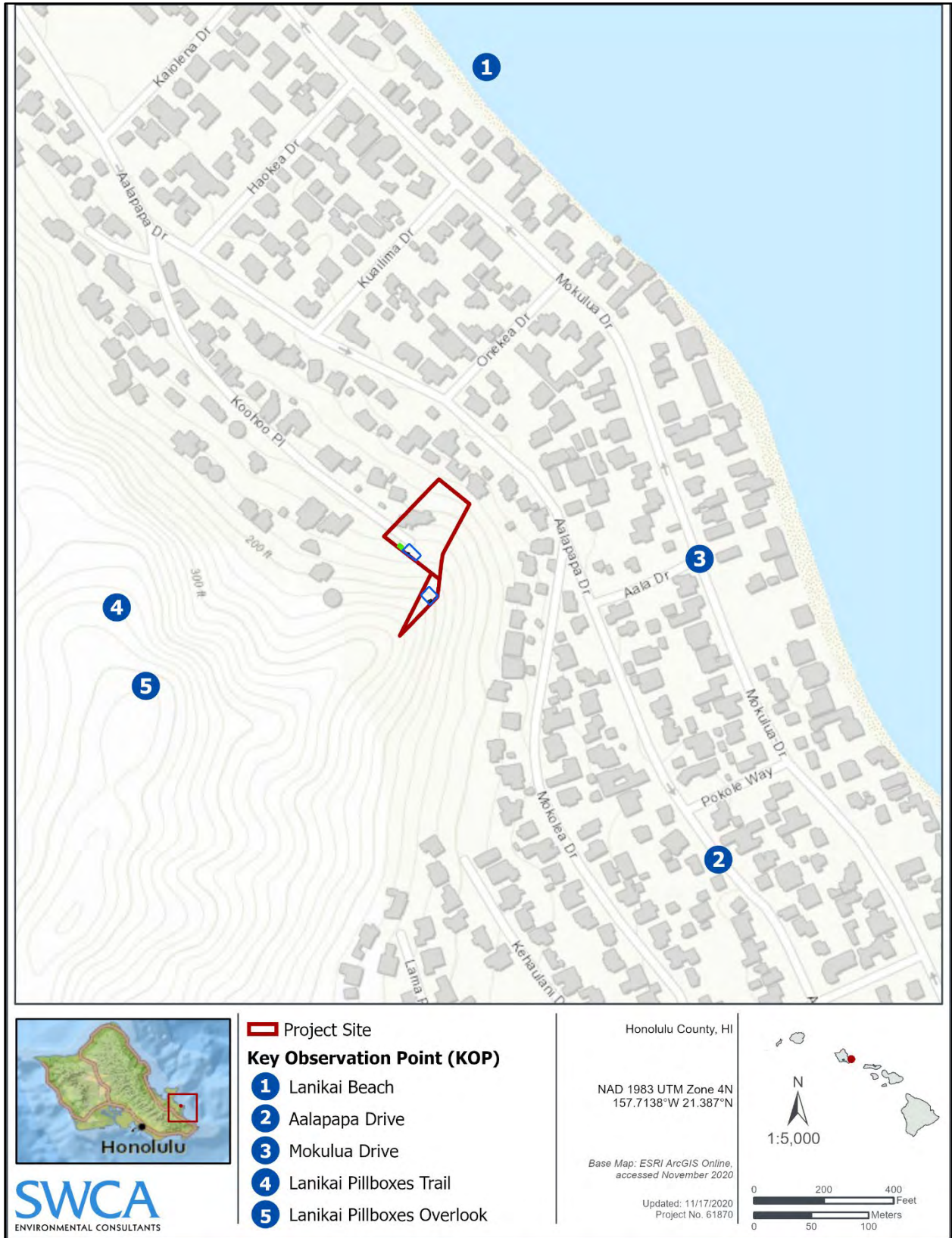


Figure 5. Location of Key Observation Points.

EXHIBIT A



Figure 6. KOP 1 – Lanikai Beach: Existing Condition.
Areas of proposed activity marked in yellow. Note: Existing telecommunication facility is visible on the ridge. (Photo credit: TCP Hawai‘i).



Figure 7. KOP 2 – Aalapapa Drive: Existing Condition.
Areas of proposed activity marked in yellow Note: Existing telecommunication facility is visible on the ridge. (Photo credit: TCP Hawai‘i).

EXHIBIT A

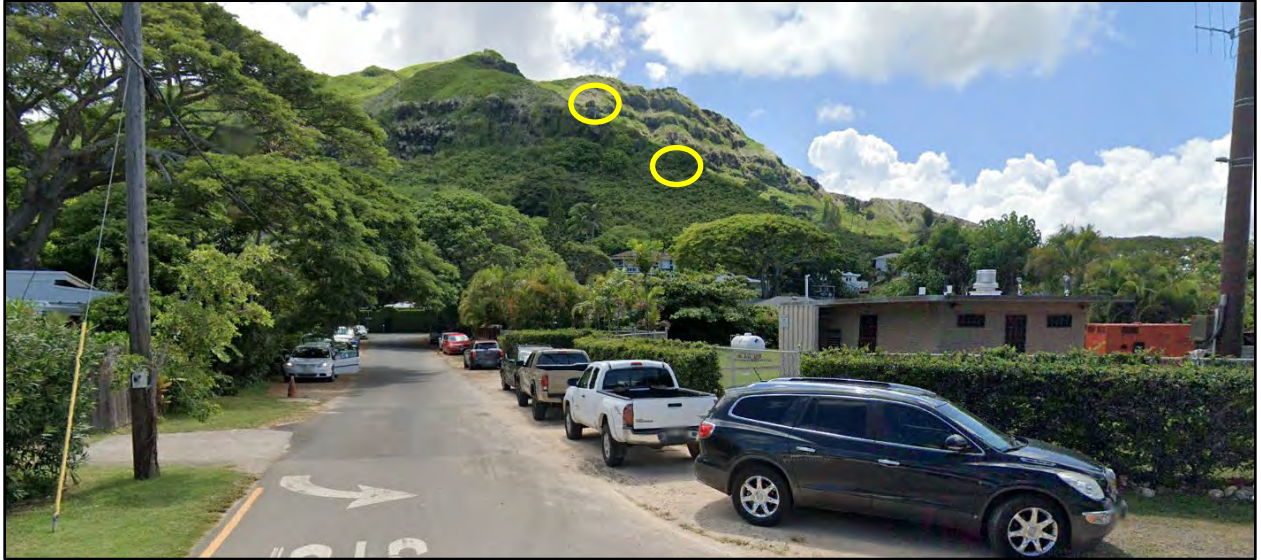


Figure 8. KOP 3 – Mokulua Drive: Existing Condition.
Areas of proposed activity marked in yellow Note: Existing telecommunication facility is visible on the ridge. (Photo credit: Google Earth).



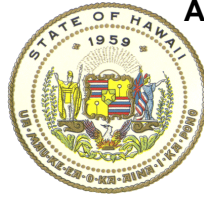
Figure 9. KOP 4 – Lanikai Pillboxes Trail: Existing Condition.
Areas of proposed activity marked in yellow. Note: Existing telecommunication facility is visible on the ridge (Photo credit: TCP Hawai'i).

EXHIBIT A



Figure 10. KOP 5 – Lanikai Pillboxes Overlook: Existing Condition.
Areas of proposed activity marked in yellow. Note: Existing telecommunication facility is visible on the ridge. (Photo credit: TCP Hawai‘i).

DAVID Y. IGE
GOVERNOR OF HAWAII



APPROVED AS SUBMITTED
AT ITS BOARD MEETING
HELD ON
MARCH 14, 2022

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

ROBERT K. MASUDA
FIRST DEPUTY

M. KALEO MANUEL
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

STATE OF HAWAII
BOARD OF LAND AND NATURAL RESOURCES

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

MINUTES
FOR THE MEETING OF THE
BOARD OF LAND AND NATURAL RESOURCES

DATE: January 14, 2022
TIME: 9:00 A.M.
LOCATION: Online via ZOOM, Livestream via YouTube

MEMBERS

Suzanne Case
Aimee Barnes
Chris Yuen
Kaiwi Yoon (Absent)

Tommy Oi
Vernon Char
Doreen Canto

STAFF

Russell Tsuji-Land
Kevin Moore
Luke Sarvis-Land
Curt Cottrell-Parks
Brian Neilson-DAR
David Sakoda-DAR
Trevor Fitzpatrick-OCCL
Jay Hatayama-DOFAW

Ian Hirokawa-Land
Daniel Ornellas-Land
Lauren Yasaka-Land
Alan Carpenter/Parks
Cathy Gewecke-DAR
Tiger Mills-OCCL
Michael Cain-OCCL
Ed Underwood-DOBOR

OTHERS

Julie China/AG
Dan Morris/AG
Onaona Thoene/D11
Joe Ibarra/D11
Melanie DeMello/D2
Dalilah Schlueter/D2
Nani Galeng/D7
Ron Kim/D9
Christina Lizzi/J1
Greg Chun/K1

Dawn Tsue/DOT AIR
Eric Leong/DOT-Harbors
David Frankel/D11
Daryn Arai/D2
Hans Santiago/D2
Terry Galpin/D7
Kai Nishiki/J1
Melissa Goldman/J1
Lisa Bail/J1

ITEM A-1

EXHIBIT B

Doug Simons/K1
Sunil Golwala/K2
Steve Dawe/K2
Grant Nakaya/K3
Matt Miura/K3
Jon Myers/K3
Scott Whiting/K3
Jensen Jaraba/K3
Marianne Whiting/K3

Ka'iu Kimura/K1
Tom Soifer/K2
Jim Hayes/K2
Noah Grodzin/K3
Danny Rubenstein/K3
Amir Ginsberg/K3
Andrea Jepson/K3
George Nardin/K3
Ana Moreno/K3

01.14.2022((1)/00:00:11

Chair Case called the meeting to order and noted that due to Covid-19 pandemic, the meeting is being held via Zoom and live-streamed on YouTube. Those who requested to provide oral and written testimony have done so in advance of the meeting. Member Yoon is absent from today's meeting

01.14.2022(1)/00:04:30

Member Canto read the standard contested case statement.

01.14.2022(1)/00:05:27

ITEM A-1 Approval of the Board meeting minutes held October 8, 2021.

Board Discussion-None

Public Testimony-None

01.14.2022(1)/00:06:05

MOTION

Approved as submitted (Canto, Oi) 5-Ayes, 1-Abstained (Barnes).

01.14.2022(1)/00:07:19

ITEM M-1 Issuance of a Revocable Permit for two curbside Check-In Podiums as Part of its Signatory Airline Operations, American Airlines, Inc., Daniel K. Inouye International Airport, Tax Map Key: (1) 1-1-003: Portion of 001.

ITEM M-2 Issuance of a Revocable Permit for a GSE Vehicle Maintenance Space as Part of its Signatory Airline Operations, American Airlines, Inc., Daniel K. Inouye International Airport, Tax Map Key: (1) 1-1-003: Portion of 001.

ITEM M-3 Issuance of a Revocable Permit for Aircraft Parking, Hawaii Pacific Aviation, Inc., Daniel K. Inouye International Airport, Tax Map Key: (1) 1-1-76: Portion of 23.

ITEM M-4 Issuance of a Revocable Permit for Aircraft Maintenance, Office and Equipment Parking Areas, Omni Air International, LLC, Daniel K. Inouye International Airport, Tax Map Key: (1) 1-1-003: Portion of 085 and (1) 1-1-003: Portion of 001.

ITEM M-5 Issuance of a Revocable Permit for a T-Hangar for Storage and Maintenance of Aircraft, Hawaiian Airlift Company LLP, Kawaihāpai Airfield, Waialua, Hawaii, Tax Map Key: (1) 6-08-14: Portion of 017.

ITEM M-6 Issuance of a Revocable Permit for Passenger Check-In Kiosks, Delta Air Lines, Inc., Kahului Airport, Tax Map Key: (2) 3-8-1: Portion of 226.

ITEM M-7 Issuance of a Revocable Permit for Counter and Storage Space, PrimoVIP, Incorporated, Kahului Airport, Tax Map Key: (2) 3-8-001: Portion of 220.

ITEM M-8 Issuance of a Revocable Permit for Vehicle Parking, Lifenet, Inc., Waimea-Kohala Airport, Tax Map Key: (3) 6-7-001: Portion of 08.

ITEM M-9 Issuance of a Revocable Permit for Parking and Storage of Rental Car Vehicles, EAN Holdings, LLC, Ellison Onizuka Kona International Airport at Keahole, Tax Map Key: (3) 7-3-43: Portion of 003. Dawn Tsue APPROVE M1-M-9 (CHAR, CANTO) UNANIMOUS

Dawn Tsue, DOT-Airports present to answer questions for M-1, M-2, M-3, M-4, M-5, M-6, M-7, M-8, and M-9

Board Discussion-None

Public Testimony-None

01.14.2022(1)/00:10:27

MOTION

Approved as submitted Items M-1, M-2, M-3, M-4, M-5, M-6, M-7, M-8, and M-9 (Char, Canto) unanimous.

01.14.2022(1)/00:11:16

ITEM D-11 Consideration of Petition for Contested Case Hearing filed by Tyler Ralston Regarding November 12, 2021, Agenda Item D-10, Annual Renewal of Revocable Permit 7915; Resorttrust Hawaii, LLC, Permittee; Waialae, Honolulu, Oahu, Tax Map Key: (1) 3-5-023:041.

Pursuant to Section 92-5(a) (4), Hawaii Revised Statutes (HRS), the Board may go into Executive Session in order to consult with its attorney on questions and issues pertaining to the Board's powers, duties, privileges, immunities and liabilities.

Russell Tsuji, Land Division presented the submittal.

Board Discussion

Clarification regarding the opening brief that was submitted on behalf of Mr. Ralston. Frankel noted that there was a notice of appeal filed.

Public Testimony

David Frankel presented testimony regarding the petition and previously submitted an opening brief. Onaona Thoene & Joe Ibarra representing Resorttrust stand on their written testimony.

01.14.2022(1)/00:19:36

Chair Case made a motion to go into Executive Session, Member Canto seconded the Motion.

01.14.2022(1)/00:45:20

MOTION

Approved as submitted (Canto, Char) unanimous.

01.14.2022(1)/00:50:09

ITEM C-1 Request approval for Assignment of Living Pono Project as the Subcontractor for implementing the Pu'u Kukui Watershed Preserve Natural Area Partnership Agreement with Maui Land & Pineapple, Inc, Island of Maui, Tax Map Key: (2) 4-1-001:017, (2) 4-2-001: Portion of 001: (2) 4-1-004: Portion of 12, (2) 4-1-005:010, (2) 4-1-005-013, (2) 4-1-005:016, (2) 4-1-005:017, (2) 4-3-001: Portion of 001, (2) 4-3-001 Portion of 17.

Emma Yuen, Division of Forestry and Wildlife present to answer any questions. David Smith and Marigold Zoll (DOFAW Staff) also present to answer questions.

Board Discussion

Member Yuen disclosed that Emma Yuen was his daughter and that he is not required to recuse himself as he has no personal financial interest regarding the submittal. Concern regarding LPP having the resources for maintenance? Emma Yuen conveyed yes, they will. Maui Land & Pineapple is still responsible for their commitment to the Natural Area agreement. Further discussion and clarification regarding Maui Land & Pineapple's agreement.

Public Testimony-None

01.14.2022(1)/00:59:09

MOTION

Approved as submitted (Canto, Char) unanimous. (Member Char made the motion to seconded with the understanding that the AG's office will make sure the documentation is in the nature of a subcontract as distinguished from an assignment where Maui Land is not responsible)

01.14.2022(1)/01:00:09

ITEM C-2 Authorize the Division of Forestry and Wildlife (DOFAW) to enter into a Memorandum of Agreement (MOA) with the Department of Transportation (DOT), Airports Division for use of a 1.3-acre portion of land at Kahului airport, identified as a portion of Tax Map Key Number: (2) 3-8-001:019; Request Delegation of Authority to the Chairperson to Negotiate, Finalize and Execute the MOA Subject to Approval as to Form by The Department of the Attorney General, at Kahului, Maui, Hawaii.

Scott Fretz, Division of Forestry and Wildlife presented the submittal. Kevin Moore (Land Division) available to answer questions.

Board Discussion

Would it be beneficial to revert the land back to DLNR? Kevin Moore conveyed it would take FAA approval to revert the land back to DLNR.

Public Testimony-None

01.14.2022((1)/01:06:02

MOTION

Approved as submitted (Canto, Yuen) unanimous.

01.14.2022((1)/01:06:58

ITEM D-1 Amend Prior Board Action of October 28, 2010, Item D-13, *Set Aside to State of Hawaii, Department of Transportation, Airports Division for Runway Protection Zone Preservation, Waiakea, South Hilo, Hawaii, Tax Map Key: (3) 2-2-037:041.*

The purposes of the amendment are to remove a condition requiring the Department of Transportation, Airports Division (DOTA), to compensate the Department of Land and Natural Resources for the set-aside of the land, to remove all other non-standard conditions for a set-aside under Section 171-11, Hawaii Revised Statutes, and to require DOTA to provide survey maps and descriptions according to State Department of Accounting and General Services' standards and at DOTA expense.

Kevin Moore, Land Division presented the submittal.

Board Discussion

If DOT does not need it, will it come back to the State? No, DOT has taken the position that they would keep in their inventory.

Public Testimony-None

01.14.2022((1)/01:11:45

MOTION

Approved as submitted (Canto, Yuen) unanimous.

01.14.2022(1)/01:12:47

ITEM M-11 Issuance of Month-to-Month Revocable Permit to Frank V. Coluccio Construction Company, Inc. for Construction Staging Area for Equipment and Materials, Parking for Field Office Trailer and Employee Parking, Storage of Pipes, Gravel, and Parking of Trucks. Situated at the Keehi Industrial Lots, Kalihi-Kai, Honolulu Harbor, Island of Oahu, Tax Map Keys: (1) 1-2-023: Portion of 040 and (1) 1-2-023: Portion of 072. Governor's Executive Order No. 3708.

Eric Leong, DOT Harbors, presented the submittal.

Board Discussion-None

Public Testimony-None

01.14.2022(1)/01:12:50

MOTION

Approved as submitted (Barnes, Char) unanimous.

01.14.2022(1)/01:13:36

ITEM M-10 Request for Acquisition of Lands to the Department of Transportation, Highways Division, for Highway Purposes, Relating to Interstate Route H-1, Addition and Modification of Freeway Access, Kapolei Interchange Complex Phase 3, Federal Aid Project No. NH-H1-1(271), Sta. 178 + 05.40 to Sta. 202 + 74.69, at Honouliuli, Ewa, Island of Oahu, State of Hawaii, Tax Map Key Nos. (1) 9-1-015:079 and (1) 9-1-015:078.

No Representative

Board Discussion

Do we ever get an analysis of Green House Gas Emissions? As no Representative was available, the next time DOT-Highways Division has a submittal we will ask them to be present.

Public Testimony-None

01.14.2022(1)/01:14:55

MOTION

Approved as submitted (Char, Yuen) unanimous.

01.14.2022(1)/01:14:56 Break

01.14.2022(1)/01:26:29

ITEM D-2 Quitclaim of State's Interests, if any, in a 56-foot Wide Government Homestead Road and a 30-foot Wide Right-Of-Way to Forest Reserve to the County of Hawaii, Honomu, South Hilo, Hawaii, Tax Map Key Nos.: (3) 2-8-010: Government Homestead Road and (3) 2-8-010: 011.

Russell Tsuji, Land Division presented the submittal.

Board Discussion

Is the physical road become a County Road? DeMello conveyed that at this time it will be an easement across the property.

Public Testimony

Dalilah Schlueter, Melanie DeMello, Hans Santiago (Hawaii County), Daryn Arai, Stella Larson supports the submittal.

01.14.2022(1)/01:36:29

MOTION

Approved as submittal (Yuen, Canto) unanimous.

01.14.2022(1)/01:37:13

NOTE: ITEMS D-3 AND D-4 are related and were discussed together.

ITEM D-3 Set Aside to County of Maui for Public Parking, Beach Access and Ancillary Purposes; Board to Consider Two Alternatives for Set Aside Related to Subdivision Requirements, Set Aside of Either the Whole or a Portion of the Property Located at Keawakapu, Kamaole, Maui, Tax Map Key: (2) 3-9-004:001.

Russell Tsuji, Land Division noted that Item D-3 & D-4 were related and will provide some background to the submittal.

Board Discussion

Clarification regarding the intention of the County of the Maui was discussed if the County were to take over the current RP, that they would allow hotel parking. Mayor would like to have more time to complete research regarding the County ordinances and existing issues to have this proposal work.

Public Testimony

Scott Teruya (Maui County) supports the submittal. Mayor Victorino would like to work with the State to provide the public with a full ADA parking and a comfort station. Kai Nishiki added that the County can provide the required parking to the resort via the conditional permit process and provide compensation to the State.

Lauren Blickey, Axel Bears for Maui Council Kelly King, Mark Joiner, Eric Rosinski, Keani Rowlands, Ka Nishiki testified in support of the submittal.

Amendment:

Management Right-of-Entry to the County of Maui for clearing to provide parking.

01.14.2022(1)/01:43:13

MOTION

Defer as amended (Canto, Yuen) to Grant a Management Right of Entry to the County for the portions of the property not under RP and DEFER the remainder.

ITEM D-4 Resubmittal: Approve Evaluation Committee's Recommendation for Selection of Proposal Submitted by Ruby & Sons Hospitality, LLC in Response to Request for Qualifications / Request for Proposals for Lease of Public Lands; Kamaole, Wailuku, Maui, Tax Map Keys: (2) 3-9-004: 149.

Luke Sarvis, Land Division presented the submittal.

Board Discussion

Members asked for clarification regarding the lawsuit involving the hotel. There was also a lengthy discussion on the hotel and public parking area.

Public Testimony

Bernie Bays, Ruby & Sons, provided background information and supports the submittal. Lauren Blickley, Kai Nishiki testified on both Items D-3 & D-4 to defer the submittal.

01.14.2022(1)/03:12:14 Break

01.14.2022(1)/03:17:41 Back in Session

Further Board discussion and comments.

01.14.2022(1)/03:26:41

MOTION

Defer (Canto, Yuen) unanimous.

01.14.2022(1)/03:27:22 Lunch Break

01.14.2022(1)/04:02:55

ITEM D-5 Issuance of Right-of-Entry Permit to Hawaii Amateur Surfing Association, for an Amateur Two (2) Day Surf Event at Lipoa Point, Honolulu, Lahaina, Maui, Tax Map Key: (2) 4-1-001: Portion of 010.

Russell Tsuji, Land Division presented the submittal.

Board Discussion-None

Public Testimony-None

MOTION

Approved as submitted (Canto, Oi) unanimous.

01.14.2022(1)/04:04:20

ITEM D-6 Consent to Federal Interest in a One-Story Medical Building for the Life of the Improvement; General Lease No. 6056 to Waimanalo Health Center, Lessee; Waimanalo, Koolaupoko, Oahu, Tax Map Key: (1) 4-1-009:279 and 282, (1) 4-1-015:023.

Russell Tsuji, Land Division presented the submittal. Barry Cheung (Land) available to answer any questions.

Board Discussion

Concern regarding funding to finish the building was addressed.

Public Testimony-None

01.14.2022(1)/04:02:55

MOTION

Approved as submitted (Canto, Oi) unanimous.

01.14.2022(1)/04:13:13

ITEM D-7 Annual Renewal of Revocable Permit 7570; Hawaii Motorsports Association Inc., Permittee; Kahuku, Koolauloa, Oahu, Tax Map Key: (1) 5-8-002:002.

Russell Tsuji, Land Division presented the submittal. Marigold Zoll (DOFAW) conveyed that some of their grants require the use of motorized vehicles and that they support the submittal.

Board Discussion

Have there been other interested parties? Zoll replied yes. The site has many conditions for best practices.

Public Testimony

Nani Galeng and Terry Galpin support the submittal.

01.14.2022(1)/04:23:04

MOTION

Approved as submitted (Char, Yuen) unanimous.

01.14.2022(1)/04:24:49

ITEM D-8 Authorize the Chairperson to Enter into Memorandum of Agreement Between The Office of Planning and Sustainable Development and the Department of Land and Natural Resources for the Use of Transit Oriented Development (TOD) CIP Funds for the East Kapolei TOD Conceptual Urban Design Plan.

Ian Hirokawa, Land Division presented the submittal.

Board Discussion

What is the agency's purpose?

Public Testimony

Rodney Funakoshi, Land Division, Office of Planning and Sustainable Development, explained the roles and responsibilities.

01.14.2022(1)/04:28:49

MOTION

Approved as submitted (Oi, Char) unanimous.

01.14.2022(1)/04:29:45

ITEM D-9 (Non-Action Item) Report to the Board of Land and Natural Resources on Issues Encountered by Land Division in Processing Applications for Lease Extensions Statewide.

Kevin Moore, Land Division presented the report on Lease extensions.

Board Discussion

There was clarification regarding some of the process.

Public Testimony

Ron Kim provided his view of the process.

01.14.2022(1)/05:18:31

ITEM D-10 Denial of Petition for Contested Case Hearing filed by the Department of Hawaiian Home Lands on November 1, 2021, Regarding October 22, 2021, Agenda Item D-8, Adoption of Guidance to Appraisers for the Determination of the Upset Rent for Public Auctions for Water Leases for Consumptive Use Purposes Pursuant to Section 171-58, Hawaii Revised Statutes.

Pursuant to Section 92-5(a) (4), Hawaii Revised Statutes (HRS), the Board may go into Executive Session in order to consult with its attorney on questions and issues pertaining to the Board's powers, duties, privileges, immunities and liabilities.

Ian Hirokawa, Land Division presented the submittal

Board Discussion

Procedural question regarding the AG's office as they represent both BLNR and DHHL. Deputy AG Julie China noted that in cases where there are AG's working between different agencies, they do keep it separate ("China Wall" is created).

Public Testimony-None

01.14.2022(1)/05:27:03

MOTION

Approved as submitted (Char, Yuen) 4-Ayes, 2-Nay (Barnes, Canto)

01.14.2022(1)/05:28:08

ITEM D-12 Grant of Term, Non-Exclusive Easement to Duke's Canoe Club, LLC dba Duke's Kauai for Access, Landscaping, Maintenance, Signage and Beautification Purposes, Nawiliwili, Lihue, Kauai, Tax Map Key: (4) 3-2-004: portions of 047.

Issuance of Right-of-Entry Permit to Duke's Canoe Club, LLC dba Duke's Kauai for Temporary Access, Landscaping, Maintenance, Signage and Beautification Purposes, Nawiliwili, Lihue, Kauai, Tax Map Key: (4) 3-2-004: portions of 047.

Russell Tsuji, Land Division presented the submittal.

Board Discussion

What kind of business is this and is there any liability to the State? It is access to the restaurant.

Public Testimony-None

01.14.2022(1)/05:29:06

MOTION

Approved as submitted (Oi, Canto) unanimous.

01.14.2022(1)/05:30:40

ITEM D-13 Cancellation of Revocable Permit No. S-7641, Bernadine A. Soares and Bernadette Uyesono, Permittees; Request for Waiver of Requirement for Conducting Phase I Environmental Site Assessment upon Cancellation of Revocable Permit No. S-7641; Kapaa, Kawaihau, Kauai, Tax Map Key: (4) 4-5-015: portion of 037.

Russell Tsuji, Land Division presented the submittal. Alison Neustein (Land) available for questions.

Board Discussion-None

Public Testimony -None

01.14.2022(1)/05:30:10

MOTION

Approved as submitted (Oi, Canto) unanimous.

01.14.2022(1)/05:30:40 Break

01.14.2022(1)/05:39:30

ITEM J-1 Denial of Petition for Contested Case Hearing filed on November 22, 2021, by Ka Malu O Kahālāwai, Nā Papa'i Wawae 'Ula'Ula, Kekai Keahi, and Kai Nishiki, regarding the Renewal of Commercial Use Permits for Noio Charters, Inc., Extended Horizons, Inc., Adventure Rafting, Inc., and Ocean Riders, Inc. for Mala Launch Ramp, Maui. Tax Map Key: (2) 4-5-005: 003.

The Board may go into Executive Session pursuant to Section 92-5(a)(4), Hawaii Revised Statutes, in order to consult with its attorney on questions and issues pertaining to the Board's powers, duties, privileges, immunities, and liabilities.

Ed Underwood, Division of Boating and Ocean Recreation presented the submittal. Deputy AG Melissa Goldman available to answer questions.

Board Discussion

Discussion on the wharf use.

Public Testimony

Kai Nishiki, Tiare Lawrence, Christina Lizzi, explained their reasons for opposing the submittal. Lisa Bail supports the submittal.

01.14.2022(1)/06:00:57

Chair Case made the Motion to go into Executive Session. Member Canto seconded the motion.

01.14.2022(1)/06:15:57

Amendment:

Remove Recommendation #3 in the submittal.

01.14.2022(1)/06:16:07

MOTION

Approved as amended (Yuen, Oi) 4-Ayes, 2-Nays (Barnes, Canto)

01.14.2022(1)/06:17:27

ITEM J-2 Approval of Keehi Small Boat Harbor Paving and Drainage Improvements project; Honolulu, Oahu, Hawaii, Tax Map Key: (1) 1-3- 025: 113

Declare Construction Project Exempt from the Preparation of an Environmental Assessment; and

Delegate Authority to Chairperson to Approve, Procure and Award Construction Contract and Enter Into Any Supplemental Agreements or Other Agreements Necessary to Implement the Construction Project.

Ed Underwood, Division of Boating and Ocean Recreation presented the submittal.

Board Discussion-None

Public Testimony-None

01.14.2022(1)/06:17:50

MOTION

Approved as submitted (Oi, Yuen) unanimous.

01.14.2022(1)/06:18:50

ITEM J-3 Approve Installation of an Offshore Mooring Outside of an Established Offshore Mooring Area After-The-Fact, Makaiwa Bay, Kamuela, Island of Hawaii, Hawaii, Tax Map Key: (3) 6-8-024: seaward of 039 for Kawika Ruddle.

Ed Underwood, Division of Boating and Ocean Recreation presented the submittal.

Board Discussion

Is there any consideration for the grant of the easement? Underwood replied that they pay the Offshore Mooring rate.

Public Testimony-None

01.14.2022(1)/06:19:10

MOTION

Approved as submitted (Yuen, Oi) unanimous.

01.14.2022(1)/06:20:10 Break

01.14.2022(1)/06:49:40; continued on 01.14.2022(2)/00:00:01

ITEM K-1 **(Non-Action Item)** 2021 Annual Progress Report and Outcome Analysis Report (OAR) on the Mauna Kea Comprehensive Management Plan for the Mauna Kea Science

Reserve, Ka'ohē Mauka, Hāmākua District, Hawai'i, Tax Map Keys: (3) 4-4-015:009 and 012. Presentation by the Center for Maunakea Stewardship on the OAR, observatory decommissioning, educational and outreach programs, the Maunakea Master Plan update, and land authorization schedule. Background materials available at dlnr.hawaii.gov/occl/maunakea-management

Michael Cain, Office of Conservation and Coastal Lands provided the background for the Mauna Kea Annual Progress Report. He introduced Greg Chun, Ka'iu Kimura, and Doug Simons who will be presenting the report.

Board Discussion

Does the DLNR have a seat on this Board? Chun replied that the seat has been filled by other stakeholders. The Board noted that the report is a great opportunity for those who are invested in the Mauna Kea management.

01.14.2022(2)/00:27:27

ITEM K-2 Conservation District Use Application (CDUA) HA-3880 for the California Institute of Technology's (Caltech) Submillimeter Observatory (CSO) Decommissioning Project located within Ka'ohē, Hāmākua, Hawai'i, Tax Map Key: (3) 4-4-015:009. [Final Environmental Assessment](#) published December 2021.

Michael Cain, Office of Conservation and Coastal Lands presented the submittal.

Board Discussion

Is the cesspool part of the removal? Golawa replied yes. The telescope contributed to human knowledge that would not otherwise be available.

Public Testimony

Sunil Golwala, Steve Dawe, Tom Soifer and Jim Hayes (CalTech) presented a PowerPoint report on the process of the decommissioning.

01.14.2022(2)/00:38:27

MOTION

Approved as submitted (Yuen, Char) unanimous.

01.14.2022(2)/00:39:37

ITEM K-3 Conservation District Use Application (CDUA) OA-3879 for Verizon Wireless' Lanikai Telecom Project located in Kailua, Ko'olaupoko, O'ahu, Tax Map Keys: (1) 4-3-005:068 and 070. [Final Environmental Assessment](#) published June 2021.

Michael Cain, Office of Conservation and Coastal Lands presented the submittal.

Board Discussion

Community outreach and visual impact was discussed in great detail. Is it possible to combine the technology on one tower? Grodzin replied that the AT&T tower is outdated and cannot accommodate more equipment .

Public Testimony

Grant Nakama & Matt Miura consultants to Verizon Wireless testified in support of the submittal. Noah Grodzin (Verizon) noted the type of faux rock they would use to help cover the tower. Danny Rubenstein, Amir Ginsberg, Scott Whiting, Andrea Jepson, Marianne Whiting, Ana Moreno, Chris Townson, and Lois Crozer testified in opposition.

01.14.2022(2)/01:52:59

Member Canto made a motion to go into Executive Session. The Motion was seconded by Member Barnes.

01.14.2022(2)/02:03:49

Member Canto made the disclosure that she retired from Verizon in 2006 and does not have any financial interest in this matter. It was asked whether they can delay making a decision so that there could be more community engagement. Cain (OCCL) replied that they have to respond within 180-days and if no decision is made by the Board, by default the application would be approved.

01.14.2022(2)/02:03:59

MOTION

Approved as submitted (Yuen, Canto) 5-Ayes, 1-Nay (Barnes)

An oral request for a contested case was made by Danny Rubenstein, Scott Whiting, Ana Moreno, Chris Townson, and George Nardin. Chair Case conveyed that it must be followed up in writing within 10-days.

There being no further business, Chair Case, adjourned the meeting. Recording(s) of the meeting and written testimonies received by the requested deadline can be found on-line with the submittal and available for review. Certain Items on the agenda were taken out of sequence to accommodate applicants or interest parties present.

Respectfully Submitted:

Darlene Ferreira

Darlene S. Ferreira
Land Board Secretary

Approved for Submittal:

Suzanne D. Case

Suzanne D. Case, Chairperson
Board of Land and Natural Resources
Department of Land and Natural Resources



STATE OF HAWAII
BOARD OF LAND AND NATURAL RESOURCES

PETITION FOR A CONTESTED CASE HEARING

RECEIVED
OFFICE OF CONSERVATION
AND COASTAL LANDS

2022 JAN 31 A 7 22

OFFICIAL USE ONLY	
Case No.	Date Received
Board Action Date / Item No.	Division/Office

DEPT. OF LAND &
NATURAL RESOURCES
STATE OF HAWAII

DEPT. OF LAND
& NATURAL RESOURCES
STATE OF HAWAII

2022 JAN 25 AM 11:26

RECEIVED

INSTRUCTIONS:

- File (deliver, mail or fax) this form within ten (10) days of the Board Action Date to:
 Department of Land and Natural Resources
 Administrative Proceedings Office
 1151 Punchbowl Street, Room 130
 Honolulu, Hawaii 96813
 Phone: (808) 587-1496, Fax: (808) 587-0390
- DLNR's contested case hearing rules are listed under Chapter 13-1, HAR, and can be obtained from the DLNR Administrative Proceedings Office or at its website (<http://dlnr.hawaii.gov/forms/contested-case-form/>). Please review these rules before filing a petition.
- If you use the electronic version of this form, note that the boxes are expandable to fit in your statements. If you use the hardcopy form and need more space, you may attach additional sheets.
- Pursuant to §13-1-30, HAR, a petition that involves a Conservation District Use Permit must be accompanied with a \$100.00 non-refundable filing fee (payable to "DLNR") or a request for waiver of this fee. A waiver may be granted by the Chairperson based on a petitioner's financial hardship.
- All materials, including this form, shall be submitted in **three (3)** photocopies.

A. PETITIONER		
(If there are multiple petitioners, use one form for each.)		
1. Name Christina Townson	2. Contact Person (same) same	
3. Street Address-1129 A Koohoo Place	4. City-Kailua	5. State and Zip HI 96734
6. Email: chris@ctownson.com	7. Phone-808 237 9122	8. Fax

B. ATTORNEY (if represented)		
9. Attorney Name	10. Firm Name	
11. Address	12. City	13. State and ZIP
14. Email	15. Phone	16. Fax

C. SUBJECT MATTER

17. Board Action Being Contested

OCCL K-3 Proposed Verizon cell tower in Lanikai.

18. Board Action Date - Jan 14th, 2022

19. Item No. - OCCL K-3

20. Any Specific Statute or Rule That Entitles Petitioner to a Contested Case

Additional supporting documents to be provided at a future date

21. Any Specific Property Interest of Petitioner That Is Entitled to Due Process Protection

My interest will be adversely affected by BLNR's approval vote.

22. Any Disagreement Petitioner May Have with an Application before the Board

I disagree with BLNR's vote to approve Verizon's cell tower application as submitted, partially due to Verizon's reliance on AT&T's Tower, which is in clear violation of several aspects of their Permit and is currently being challenged, as well as the estimated costs which I don't believe will be less than the \$500K limit required for the Application to fall within the guidelines of a Minor SMA.

23. Any Relief Petitioner Seeks or Deems Itself Entitled to

I seek the denial or modification of Verizon's cell tower application

24. How Petitioner's Participation in the Proceeding Would Serve the Public Interest

My intention to have the Verizon application denied or modified would: 1) preserve our community's beauty by eliminating the visual impact. 2) Help preserve property values of the neighboring homes. 3) Reduce health concerns of living within close range of a cell tower. 4) Avoid further impact on our environment (conservation land).

25. Any Other Information That May Assist the Board in Determining Whether Petitioner Meets the Criteria to Be a Party under Section 13-1-31, HAR

I live very close to the proposed Verizon cell tower site. This proposed cell tower will be visible from several rooms in our home as well from our front and back yard, the street in front of our home, etc. Anyone I try to sell my home to will be very aware that this cell tower is very close and something that they will have to look at forever. They will also be aware that their whole family will be exposed to close range RF radiation as long as they live here.

Check this box if Petitioner is submitting supporting documents with this form.

Check this box if Petitioner will submit additional supporting documents after filing this form.

C R Townson
Petitioner or Representative (Print Name)

C Townson
Signature

1-24-22
Date



STATE OF HAWAII
 BOARD OF LAND AND NATURAL RESOURCES

RECEIVED
 OFFICE OF CONSERVATION
 AND COASTAL LANDS

PETITION FOR A CONTESTED CASE HEARING
 2022 JAN 31 A 7 22

OFFICIAL USE ONLY	
Case No.	Date Received STATE OF HAWAII
Board Action Date / Item No.	Division/Office

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 2022 JAN 25 AM 8:18
 DEPT. OF LAND & NATURAL RESOURCES
 STATE OF HAWAII

A. PETITIONER		
(If there are multiple petitioners, use one form for each.)		
Ana Moreno	2. Contact Person (same)	
1142 Koohoo Place	Kailua	HI. 96734
magicwithanamoreno@gmail.com	312-642-7273	N/A

B. ATTORNEY (if represented)		
9. Attorney Name	10. Firm Name	
11. Address	12. City	13. State and ZIP
14. Email	15. Phone	16. Fax

EXHIBIT D

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18. Board Action Date - Jan 14th, 2022

19. Item No. - OCCL K-3

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Check this box if Petitioner is submitting supporting documents with this form.

Check this box if Petitioner will submit additional supporting documents after filing this form.

ANA E. MORENO

Petitioner or Representative (Print Name)

Ana E. Moreno

Signature

1-21-22

Date

EXHIBIT D



STATE OF HAWAII
BOARD OF LAND AND NATURAL RESOURCES

PETITION FOR A CONTESTED CASE HEARING

RECEIVED
OFFICE OF CONSERVATION
AND COASTAL LANDS

2022 JAN 31 A 7 22

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STATE OF HAWAII

2022 JAN 25 AM 10: 16
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A. PETITIONER		
(If there are multiple petitioners, use one form for each.)		
Scott Whiting	2. Contact Person (same)	
1111 Kooahoo Place	Kailua	HI, 96734
<u>321z@att.net</u>	808-800-1824	8. Fax

B. ATTORNEY (if represented)		
9. Attorney Name	10. Firm Name	
11. Address	12. City	13. State and ZIP
14. Email	15. Phone	16. Fax

C SUBJECT MATTER

17. Board Action Being Contested

OCCL K-3 Proposed Verizon cell tower in Lanikai.

18. Board Action Date - Jan 14th, 2022

19. Item No. - OCCL K-3

20. Any Specific Statute or Rule That Entitles Petitioner to a Contested Case

Additional supporting documents to be provided at a future date

21. Any Specific Property Interest of Petitioner That Is Entitled to Due Process Protection

My interest will be adversely affected by BLNR's approval vote.

22. Any Disagreement Petitioner May Have with an Application before the Board

I disagree with BLNR's vote to approve Verizon's cell tower application as submitted, partially due to Verizon's reliance on AT&T's Tower, which is in clear violation of several aspects of their Permit and is currently being challenged, as well as the estimated costs which I don't believe will be less than the \$500K limit required for the Application to fall within the guidelines of a Minor SMA.

23. Any Relief Petitioner Seeks or Deems Itself Entitled to

I seek the denial or modification of Verizon's cell tower application

24. How Petitioner's Participation in the Proceeding Would Serve the Public Interest

My intention to have the Verizon application denied or modified would: 1) preserve our community's beauty by eliminating the visual impact. 2) Help preserve property values of the neighboring homes. 3) Reduce health concerns of living within close range of a cell tower. 4) Avoid further impact on our environment (conservation land).

25. Any Other Information That May Assist the Board in Determining Whether Petitioner Meets the Criteria to Be a Party under Section 13-1-31, HAR

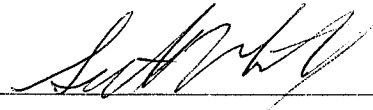
I live very close to the proposed Verizon cell tower site. This proposed cell tower will be visible from several rooms in our home as well from our front and back yard, the street in front of our home, etc. Anyone I try to sell my home to will be very aware that this cell tower is very close and something that they will have to look at forever. They will also be aware that their whole family will be exposed to close range RF radiation as long as they live here.

Check this box if Petitioner is submitting supporting documents with this form.

Check this box if Petitioner will submit additional supporting documents after filing this form.

Scott Whiting

Petitioner or Representative (Print Name)



Signature

1-21-2022

Date



STATE OF HAWAII
BOARD OF LAND AND NATURAL RESOURCES

RECEIVED
OFFICE OF CONSERVATION
AND COASTAL LANDS

PETITION FOR A CONTESTED CASE HEARING

2022 JAN 31 A 7 22

OFFICIAL USE ONLY	
Case No.	Date Received
Board Action Date / Item No.	Division/Office

DEPT. OF LAND &
NATURAL RESOURCES
STATE OF HAWAII

DEPT. OF LAND
& NATURAL RESOURCES
STATE OF HAWAII

2022 JAN 25 AM 8:19

RECEIVED

INSTRUCTIONS:

- File (deliver, mail or fax) this form within ten (10) days of the Board Action Date to:
 Department of Land and Natural Resources
 Administrative Proceedings Office
 1151 Punchbowl Street, Room 130
 Honolulu, Hawaii 96813
 Phone: (808) 587-1496, Fax: (808) 587-0390
- DLNR's contested case hearing rules are listed under Chapter 13-1, HAR, and can be obtained from the DLNR Administrative Proceedings Office or at its website (<http://dlnr.hawaii.gov/forms/contested-case-form/>). Please review these rules before filing a petition.
- If you use the electronic version of this form, note that the boxes are expandable to fit in your statements. If you use the hardcopy form and need more space, you may attach additional sheets.
- Pursuant to §13-1-30, HAR, a petition that involves a Conservation District Use Permit must be accompanied with a \$100.00 non-refundable filing fee (payable to "DLNR") or a request for waiver of this fee. A waiver may be granted by the Chairperson based on a petitioner's financial hardship.
- All materials, including this form, shall be submitted in **three (3)** photocopies.

A. PETITIONER		
(If there are multiple petitioners, use one form for each.)		
1. Amir Ginsberg	2. Amir Ginsberg	
3. 1129 Koohoo PL Unit A	4. Kailua	5. HI, 96734
6. amir.ginsberg@gmail.com	7. 314-520-9572	8. Fax

B. ATTORNEY (if represented)		
9. Attorney Name	10. Firm Name	
11. Address	12. City	13. State and ZIP
14. Email	15. Phone	16. Fax

C. SUBJECT MATTER

17. Board Action Being Contested

OCCL K-3 Proposed Verizon cell tower in Lanikai.

18. Board Action Date - Jan 14th, 2022

19. Item No. - OCCL K-3

20. Any Specific Statute or Rule That Entitles Petitioner to a Contested Case

Additional supporting documents to be provided at a future date

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22. Any Disagreement Petitioner May Have with an Application before the Board

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23. Any Relief Petitioner Seeks or Deems Itself Entitled to

I seek the denial or modification of Verizon's cell tower application

24. How Petitioner's Participation in the Proceeding Would Serve the Public Interest

My intention to have the Verizon application denied or modified would: 1) preserve our community's beauty by eliminating the visual impact. 2) Help preserve property values of the neighboring homes. 3) Reduce health concerns of living within close range of a cell tower. 4) Avoid further impact on our environment (conservation land).


25. Any Other Information That May Assist the Board in Determining Whether Petitioner Meets the Criteria to Be a Party under Section 13-1-31, HAR

I live very close to the proposed Verizon cell tower site and am concerned about being close to RF radiation,

Check this box if Petitioner is submitting supporting documents with this form.

Check this box if Petitioner will submit additional supporting documents after filing this form.

Amir Ginsberg
Petitioner or Representative (Print Name)


Signature

1-21-22
Date

(3) photocopies.

A. PETITIONER		
(If there are multiple petitioners, use one form for each.)		
1. Name George Nardin	2. Contact Person (same)	
3. Street Address 115 Kooheo	4. City Hailua	5. State and Zip HI 96734
6. Email george.nardin@gmail	7. Phone 808 2623990	8. Fax 808 262 3221

B. ATTORNEY (if represented)		
9. Attorney Name	10. Firm Name	
11. Address	12. City	13. State and ZIP
14. Email	15. Phone	16. Fax

DEPT OF LAND
 & NATURAL RESOURCES
 STATE OF HAWAII

2022 JAN 24 AM 10:34

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C. SUBJECT MATTER	
17. Board Action Being Contested OCCL K-3 Proposed Verizon cell tower in Lanikai.	
18. Board Action Date - Jan 14th, 2022	19. Item No. - OCCL K-3
20. Any Specific Statute or Rule That Entitles Petitioner to a Contested Case Additional supporting documents to be provided at a future date	
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EXHIBIT G

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Check this box if Petitioner is submitting supporting documents with this form.

Check this box if Petitioner will submit additional supporting documents after filing this form.

George Nardin Geo Nardin 1/21/22
Petitioner or Representative (Print Signature Date
Name)



STATE OF HAWAII
 BOARD OF LAND AND NATURAL RESOURCES CONSERVATION AND COASTAL LANDS
PETITION FOR A CONTESTED CASE HEARING

RECEIVED
 2022 JAN 31 A F 21

OFFICIAL USE ONLY	
Case No.	Date Received
Board Action Date / Item No.	Division/Office

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RECEIVED
 2022 JAN 25 AM 8:17
 DEPT. OF LAND & NATURAL RESOURCES
 STATE OF HAWAII

A. PETITIONER		
(If there are multiple petitioners, use one form for each.)		
1. Daniel Rubenstein	2. Contact Person (same)	
3. 1142 KooHoo Place	4. Kailua	5. HI, 96734
6. danny@drcnow.com	7. 415-672-7622	8. Fax NA

B. ATTORNEY (if represented)		
9. Attorney Name	10. Firm Name	
11. Address	12. City	13. State and ZIP
14. Email	15. Phone	16. Fax

C. SUBJECT MATTER

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Check this box if Petitioner is submitting supporting documents with this form.

Check this box if Petitioner will submit additional supporting documents after filing this form.

Daniel Rubenstein
Petitioner or Representative (Print Name)

Signature

Date

1/20/22