

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

January 25, 2008

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

PSF No.: 06KD-151

Kauai

After-the-fact Issuance of Revocable Permit to Cōco Palms Ventures LLC, for Parking and Landscape Purposes, Wailua, Kawaihau, Kauai, Tax Map Key: (4) 4-1-03:17.

APPLICANT:

Coco Palms Ventures LLC, a Hawaii Limited Liability Company, whose business and mailing address is 170 Jennifer Road, Suite 300, Annapolis, MD 21401.

LEGAL REFERENCE:

Sections 171-13 and -55, Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government Crown lands of Wailua situated at Wailua, Kawaihau, Kauai, identified by Tax Map Key: (4) 4-1-03: 17, as shown on the attached map labeled Exhibit A.

AREA:

0.855 acres, more or less.

ZONING:

State Land Use District: Urban
County of Kauai CZO: Open

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act

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

CURRENT USE STATUS:

Encumbered by General Lease No. S-4740, Coco Palms Ventures LLC,

Lessee, for parking and landscaping purposes. Lease expired on July 15, 2006.

Encumbered by Land Office Deed bearing No. S-12850 for an easement for road purposes.

CHARACTER OF USE:

Parking and Landscaping purposes.

COMMENCEMENT DATE:

Effective July 16, 2006

MONTHLY RENTAL:

To be determined by staff appraiser, subject to review and approval by the Chairperson. The first day of the month to be determined by the Chairperson. The rent shall be prorated.

COLLATERAL SECURITY DEPOSIT:

Twice the monthly rental.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with the "Division of Land Management's Environmental Impact Statement Exemption List", approved by the Environmental Council and dated April 28, 1986, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 1, States "Operations, repairs, or maintenance of existing structures, facilities, equipment of topographical features, involving negligible of no expansion of change of use beyond that previously existing".

DCCA VERIFICATION:

Place of business registration confirmed:	YES	<u>X</u>	NO	_____
Registered business name confirmed:	YES	<u>X</u>	NO	_____
Applicant in good standing confirmed:	YES	<u>X</u>	NO	_____

REMARKS:

General Lease S-4740 encumbered this property, for parking and landscaping purposes, for the term was for 25 years, commencing of July 16, 1981 and expiring of July 15, 2006.

The Board at its January 14, 2005 meeting under Item D-29, consented to the assignment of General Lease Nos. S-4878 and S-4740, Grant of Easement Bearing GL Nos. S-4645 and S-4244, and Grant of Easement Bearing LOD Nos. S-12,850 and S-27,442, Wailua Associates, Assignor, to Coco Palms Ventures LLC, Assignee; Cancellation of Revocable Permit Nos. S-6233 and S-6234 issued to Wailua Associates; and

reissuance of Revocable Permits to Coco Palms Ventures LLC.

Coco Palms Ventures LLC purchased the existing Coco Palms Hotel located on Parcel 7. As of this writing, their attorneys (Ashford & Wriston) said they are still in the process of obtaining applicable County permits and approvals.

By letter dated June 21, 2006 Richard Weiser, Manager for Coco Palms Ventures LLC requested a revocable permit.

There is an existing access easement (in favor of Parcel 7) over this parcel that plays a major role in the development of the new Hotel. Coco Palms Ventures LLC, in the future will be requesting the cancellation of the easement for road purposes and the issuance a new access easement at a different location within this parcel. This is to satisfy the State Department of Transportation, Highway Division's widening and improvement project for Kuhio Highway and Kuamoo Road.

Applicant has not had a lease, permit, easement or other disposition of State lands terminated within the last five years due to non-compliance with such terms and conditions.

Due to the development of the Coco Palms Hotel Complex on Parcel 7 (owned by Coco Palms Ventures LLC) a month-to-month revocable permit is more appropriate.

Request for comments were solicited from varies State and County of Kauai agencies.

The following State agencies did not reply, Department of Health, Department of Transportation (Highways), and OHA.

Historic Preservation Division:

We believe that "no historic properties will be affected," because: Intensive cultivation has altered the land, residential development/urbanization has altered the land, previous grubbing/grading has altered the land, and an accepted archaeological inventory survey (AIS) for no historic properties.

Office of Conservation and Coastal Lands: We have no comments.

County of Kauai agencies:

Department of Water: We have no objections.

Planning Department: We have no objections.

Department of Public Works: See "Exhibit B"

RECOMMENDATION: That the Board:

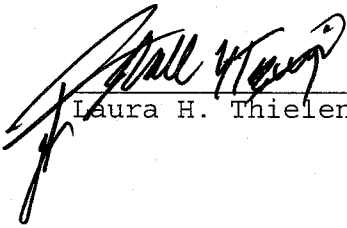
1. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Chapter 11-200, HAR, this project will probably have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment.
2. Authorize the issuance of a revocable permit Coco Palms Ventures LLC covering the subject area for Parking and Landscaping purposes under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:
 - a. The standard terms and conditions of the most current revocable permit form, as may be amended from time to time;
 - b. Review and approval by the Department of the Attorney General; and
 - c. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,



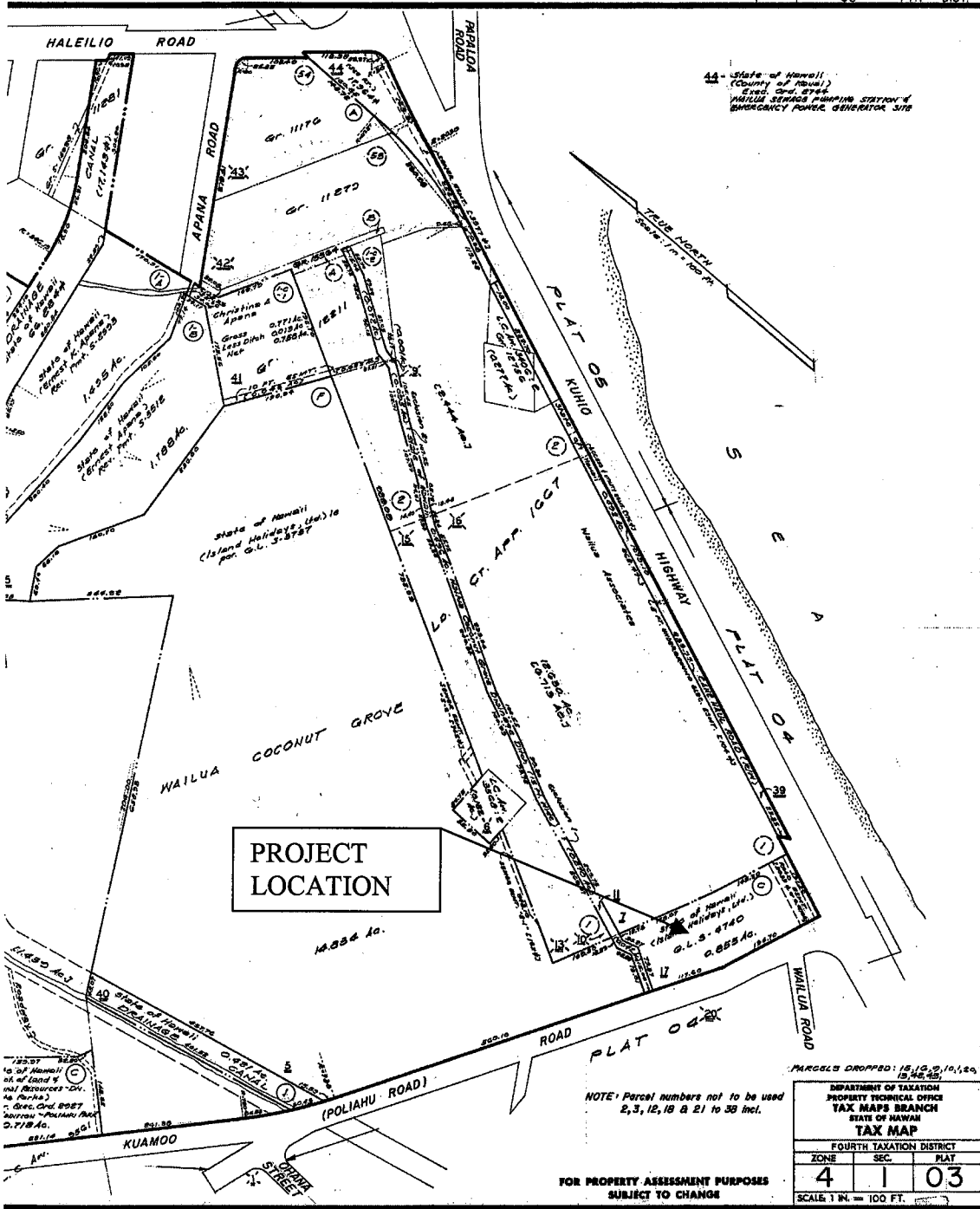
Thomas Oi
District Land Agent

APPROVED FOR SUBMITTAL:



Laura H. Thielen, Chairperson





44 - State of Hawaii
 (County of Maui)
 Cont. Gr. 4744
 WAILUA SERVICE PUMPING STATION &
 EMERGENCY POWER GENERATOR SITE

**PROJECT
 LOCATION**

PARCELS DROPPED: 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38

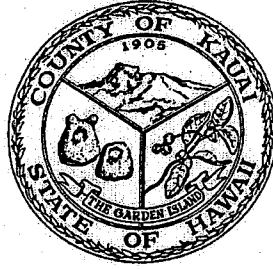
NOTE: Parcel numbers not to be used
 2, 3, 12, 18 & 21 to 38 incl.

DEPARTMENT OF TAXATION		
PROPERTY TECHNICAL OFFICE		
TAX MAPS BRANCH		
STATE OF HAWAII		
TAX MAP		
FOURTH TAXATION DISTRICT		
ZONE	SEC.	PLAT
4	1	03
SCALE 1 IN. = 100 FT.		

FOR PROPERTY ASSESSMENT PURPOSES
 SUBJECT TO CHANGE

EXHIBIT A

BRYAN J. BAPTISTE
MAYOR



DONALD M. FUJIMOTO
COUNTY ENGINEER
TELEPHONE 241-6600

DEPUTY COUNTY ENGINEER
TELEPHONE 241-6600

GARY K. HEU
ADMINISTRATIVE ASSISTANT

AN EQUAL OPPORTUNITY EMPLOYER
COUNTY OF KAUA'I
DEPARTMENT OF PUBLIC WORKS
4444 RICE STREET
MO'IKEHA BUILDING, SUITE 275
LIHU'E, KAUA'I, HAWAII 96766-1340

October 3, 2006

State of Hawaii
Department of Land and Natural Resources
Land Division
3060 Eiwa Street Room 306
Lihue, HI 96766
ATTENTION: Mr. Thomas Oi, Kaua'i District Land Agent

SUBJECT: Request For Issuance of Revocable Permit To Coco Palms Venture LLC
For Access, Parking and Landscaping Purposes TMK: 4-1-03-17 PW 9.06.244

We reviewed the subject request dated August 23, 2006 which was received by Public Works, Engineering Division on September 27, 2006. We offer the following comments in regards to flooding:

FLOOD:

- Based on Panel No. 212 E of the Federal Insurance Rate Maps (FIRM) revised September 16, 2005, the subject property is susceptible to flooding from Wailua River. The flood zoning is a zone AE with a corresponding base flood elevation of 15 feet above Mean Sea Level (MSL). The subject property is also located within the floodway limits of Wailua River. The development of the subject property for access and parking will need to comply with the County's Flood Plain Management Ordinance No. 831.

GRADING:

- Filling of the floodway limits is prohibitive unless certified by a registered professional civil engineer, with supporting data that the encroachment in the floodway limits will not cause any increase in base flood elevations during the occurrence of the base flood discharge. We recommend comments be solicited from our Building Division in regards to a "No Rise Determination".
- A grading permit may be required for the project if the grading quantities exceed over a 100 cubic yards.

OCT 27 59

OCT 10 '06
DLNR KDLO RCVD

"EXHIBIT B"

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- Regardless if a grading permit is required or not, the applicant must provide Best Management Practices (BMPs) at all times to the maximum extent practicable to prevent damage by sedimentation, erosion and/or dust to streams, watercourses, natural areas and the property of others.

Thank you for this opportunity to provide our comments. Should you have any questions please contact me at (808) 241-6498.

Very truly yours,

CONCUR:



Wallace Kudo, P.E.
Chief, Engineering Division



PR DONALD M. FUJIMOTO, P.E.
County Engineer

WK

cc: Oscar Portugal
Design and Permitting