

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

September 9, 2010

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

PSF No.:10OD-116

Oahu

Cancellation of Revocable Permit No. S-5545; Issuance of Revocable Permit to Joseph J. Hines and Elaine Nickie Hines, Waimanalo, Koolaupoko, Oahu, Tax Map Key:(1) 4-1-018:050.

APPLICANT:

Joseph J. Hines and Elaine Nickie Hines, as husband and wife, tenants by the entirety.

LEGAL REFERENCE:

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

LOCATION:

Portion of Government lands of Waimanalo, situated at Koolaupoko, Oahu, identified by Tax Map Key: (1) 4-1-018:050, as shown on the attached map labeled Exhibit A.

AREA:

.80 acres, more or less.

ZONING:

State Land Use District: Agricultural
City and County of Honolulu LUO: AG-1 Restricted

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act

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

CURRENT USE STATUS:

Encumbered under Revocable Permit No. S-5545 to Mrs. Joseph Hines, Permittee, for residential and home gardening purposes since October 1, 1977.

CHARACTER OF USE:

Residential and home gardening purposes.

COMMENCEMENT DATE:

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

MONTHLY RENTAL:

\$500.00 per month (current rent under RP-5545).

COLLATERAL SECURITY DEPOSIT:

One month's rent.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with Hawaii Administrative Rule Section 11-200-8(a)(1)(4), the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 1, that states "Operations, repairs or maintenance of existing structures, facilities, equipment, or topographical features, involving negligible or no expansion or change of use beyond that previously existing" and Class No. 4, that states "Minor alteration in the conditions of land, water, or vegetation". See Exemption Notification attached as Exhibit B.

DCCA VERIFICATION:

Not applicable. Applicant is an individual.

REMARKS:

Land Division has been canceling some of the earlier revocable permits and re-issuing new revocable permits in an effort to bring these permits in compliance to the current revocable permit terms and conditions.

The Board at its meeting of October 23, 2009, under agenda item D-12, approved the re-issuance of a new revocable permit to Nickie Hines. Subsequently, the Department of the Attorney General advised the Land Division that Revocable Permit No. S-5545 was signed by both Mrs. Joseph Hines and Mr. Joseph Hines. The Attorney General office recommended that a new revocable permit be issued to Joseph J. Hines and Elaine Nickie Hines.

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

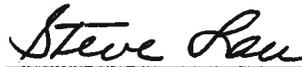
Staff conducted an inspection of the property and noted that the permittee is in compliance with the terms and conditions of the current permit. There have been no other request to utilize the subject property from other parties.

Staff has no objection to this request.

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 cancellation of Revocable Permit No.S-5545 issued to Mrs. Joseph Hines.
3. Authorize the issuance of a revocable permit to Joseph J. Hines and Elaine Nickie Hines covering the subject area for residence and home gardening 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,



Steve Lau
Land Agent

APPROVED FOR SUBMITTAL:



Laura H. Thielen, Chairperson





STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

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EXEMPTION NOTIFICATION

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

Project Title: Issuance of Revocable Permit to Joseph Hines and Elaine Nickie Hines

Project / Reference No.: PSF 100D-116

Project Location: Waimanalo, Koolaupoko, Oahu, TMK:(1) 4-1-018:050

Project Description: Residence and home gardening purposes

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

Exemption Class No.: 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, that states "Operations, repairs or maintenance of existing structures, facilities, equipment, or topographical features, involving negligible or no expansion or change of use beyond that previously existing" and Class No. 4, that states "Minor alteration in the conditions of land, water, or vegetation."

The request is to document the change in the permittee's name. The proposed usage of the premises would be the same as the existing use of the property. The previous usage has resulted in no known significant impacts, whether immediate or cumulative, to the natural, environmental and/or cultural resources in the area. As such staff believes that the proposed use would involve negligible or no expansion or change in use of the subject area beyond that previously existing.

Consulted Parties Not applicable

Recommendation:

It is recommended the Board find that this project will probably have minimal or no significant effect on the environment and is presumed to be exempt from the preparation of an environmental assessment.

Laura H. Thielen, Chairperson

Date