

STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
Land Division  
Honolulu, Hawaii 96813  
October 14, 2016

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

PSF No.: 16OD-089  
  
Oahu

Cancellation of Revocable Permit No. S-6660 to Wanda Nakoa and the Issuance of a Revocable Permit to Mary Nakoa to Serve Horse Paddock Purposes, Lualualei, Waianae, Oahu, Tax Map Key (1) 8-9-002:005.

APPLICANT:

Mary Nakoa, Single Person, Tenancy in Severalty.

LEGAL REFERENCE:

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

LOCATION:

Portion of Government lands situated at Lualualei, Waianae, Oahu, identified by Tax Map Key: (1) 8-9-002:005, as shown on the attached map labeled as **Exhibit 1**.

AREA:

6.407 acres, more or less.

ZONING:

State Land Use District: Agriculture  
City and County of Honolulu F-1 Federal and Military Preservation District

TRUST LAND STATUS:

Section 5(e) lands of the Hawaii Admission Act

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

CURRENT USE STATUS:

Encumbered by Revocable Permit No. S-6660, Wanda Nakoa, Permittee, to serve horse paddock purposes.

CHARACTER OF USE:

Horse paddock purposes.

COMMENCEMENT DATE:

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

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 June 5, 2015, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 1, Item No. 47, that states "Lease of state land involving negligible or no expansion or change of use beyond that previously existing." See **Exhibit 2**.

DCCA VERIFICATION:

The Applicant is not operating a business and, as such, is not required to register with DCCA.

JUSTIFICATION FOR REVOCABLE PERMIT:

The subject parcel consists of an irregular-shaped configuration. The low-lying pasture is situated within a valley that runs along the length of a large flood control and drainage system named as the Mailili Channel. As a result, there are areas of the subject parcel that are often exposed to water, causing wet and muddy conditions. Due to an inadequate drainage infrastructure, the subject parcel continues to be exposed to water.

In view of these physical deficiencies, it appears unlikely that a long term disposition would be issued for the lease of the subject parcel.

REMARKS:

The subject parcel is currently encumbered by Revocable Permit No. S-6660 to the late Miss Wanda Nakoa, as the permittee, to serve horse paddock purposes. Staff was informed of the permittee's passing on April 18, 2014, as evidenced by the receipt of a death certificate received in June 2016, that has since been filed.

During staff's recent site inspection of the subject property, a surrounding fence line was

observed that served to enclose two (2) horses. The horse stable area is located towards the mauka entrance and was observed to be well maintained. However, there are areas of the subject property that were observed to be in very muddy condition. Mary Nakoa, the daughter of the late Wanda Nakoa, indicated her intention to make improvements to these problem areas by filling in those areas with dirt material. Currently, the site is in ungraded condition and is accessible only by dirt roads.

During the site inspection, Mary Nakoa reported an ongoing problem with theft and burglary occurring at the subject property. At that time, she made a request to staff to become the new permittee for the subject property and then inquired as to whether she could allow for someone to reside on the subject property in order to provide for security and to discourage theft.

Staff does not support the idea of having anyone reside on the subject property since the physical site consists of a pastured, low-lying valley area that runs along the length of the adjacent flood channel. Once again, an inadequate drainage infrastructure allows for wet and muddy conditions to occur. Currently, the improvements to the subject property are minimal and therefore do not support residency. As such, due to health and safety concerns, staff does not support the idea of having anyone reside on the subject property. Further, to mitigate theft upon the subject property, staff would suggest that the Applicant refrain from storing items of high value there.

The 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.

Monthly Rent Amount:

Pursuant to the Board's meeting on August 26, 2016, and its approval of item D-11, the new monthly rent amount will be increased from the current amount of \$131.00 to \$166.00 per month, based upon a 1.5% annual rent increase that will be applied to each of the seventeen (17) years that have elapsed since the issuance of the permit effective as of November in 1999.

Comments from Governmental Agencies:

The Department of Planning and Permitting (DPP) agrees with staff's view opposing the use of the subject property for residential use. DPP cites that the subject property is restricted to the development standards of the P-2 General Preservation District which allows for preservation or low-intensity agricultural use. As such, it does not allow for dwellings, including farm dwellings to be built there. See **Exhibit 3**.

The Department of Agriculture and the Board of Water Supply had no comments and/or no objections to the subject request.

At the time of the writing of this report, the following agencies had not submitted any comments pursuant to the subject request: the Department of Health, Department of Hawaiian Homelands, Division of State Historic Preservation, Division of Facility Maintenance and the Office of Hawaiian Affairs.

There are no other pertinent issues or concerns known to staff.

RECOMMENDATION: That the Board:

1. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Chapter 11-200, HAR, this project will probably have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment.
2. Authorize the issuance of a revocable permit to Mary Nakoa covering the subject area to serve horse paddock purposes under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:
  - a. The standard terms and conditions of the most current revocable permit form, as may be amended from time to time;
  - b. Review and approval by the Department of the Attorney General; and
  - c. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.
3. Termination of Revocable Permit No. S-6660 upon the issuance of the requested revocable permit.

Respectfully Submitted,

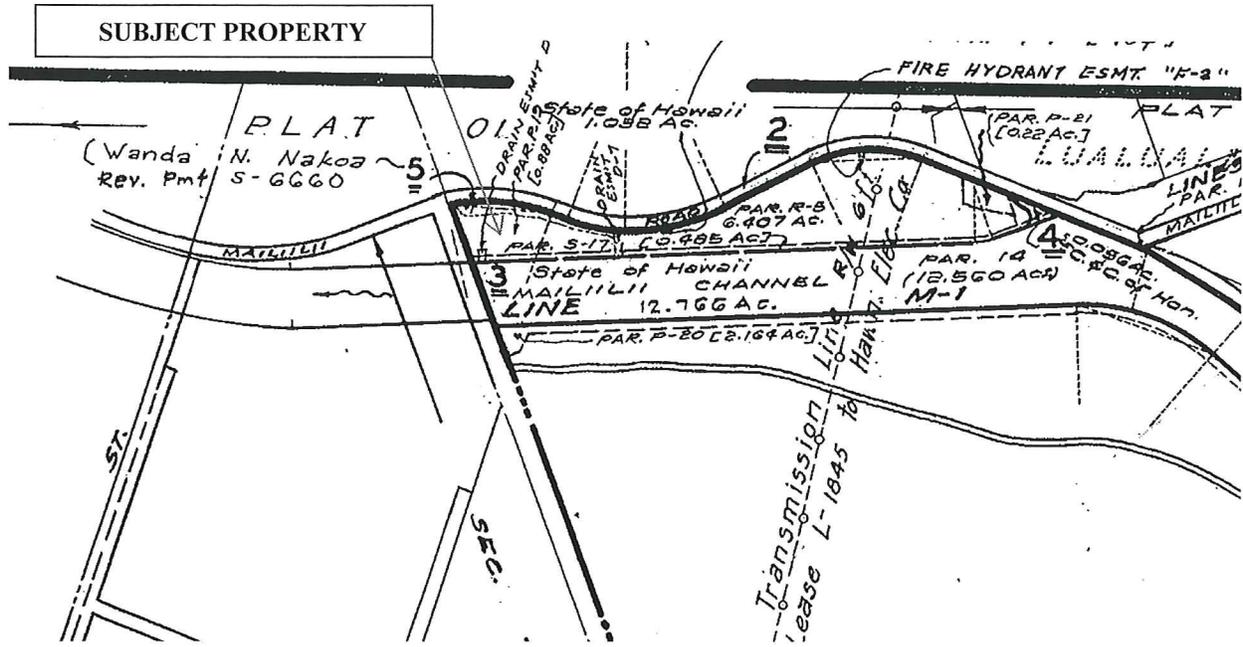


\_\_\_\_\_  
Timmy Chee  
Land Agent

APPROVED FOR SUBMITTAL:



\_\_\_\_\_  
Suzanne D. Case, Chairperson



TMK (1) 8-6-002:005

**EXHIBIT 1**

**EXEMPTION NOTIFICATION**

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

Project Title: Cancellation of Revocable Permit No. S-6660 to Wanda Nakoa and the Issuance of a Revocable Permit to Mary Nakoa to Serve Horse Paddock Purposes

Project / Reference No.: PSF 16OD-089

Project Location: Lualualei, Waianae, Oahu, TMK (1) 8-9-002:005

Project Description: Subsequent to the death of the former permittee, Wanda Nakoa, her daughter, Mary Nakoa, currently requests the issuance of a new revocable permit to serve the same subject purpose.

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

Exemption Class No.: In accordance with Hawaii Administrative Rule Section 11-200-8(a)(1), and the Exemption List for the Department of Land and Natural Resources approved by the Environmental Council and dated June 5, 2015, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 1, Item No. 47, that states "Lease of state land involving negligible or no expansion or change of use beyond that previously existing."

The subject request will allow the current use of the premises to continue. As such, staff believes that the proposed use would involve negligible or no expansion or change of use beyond that previously existing.

Consulted Parties: Agencies as noted in the submittal.

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

  
\_\_\_\_\_  
Suzanne D. Case, Chairperson

  
\_\_\_\_\_  
Date 9/26/16

**EXHIBIT 2**

DEPARTMENT OF PLANNING AND PERMITTING  
**CITY AND COUNTY OF HONOLULU**

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

KIRK CALDWELL  
MAYOR



GEORGE I. ATTA, FAICP  
DIRECTOR

ARTHUR D. CHALLACOMBE  
DEPUTY DIRECTOR

2016/ELOG-1941(AB)

August 4, 2016

Mr. Timmy Chee, Land Agent  
Land Division  
Department of Land and Natural Resources  
Post Office Box 621  
Honolulu, Hawaii 96809

Dear Mr. Chee:

SUBJECT: Request for Comment, Ref. No. 16OD-089  
Cancellation of Revocable Permit No. S-6660  
and Issuance of New Revocable Permit  
Lualualei – Waianae  
Tax Map Key 8-6-2: 5

RECEIVED  
LAND DIVISION  
2016 AUG -5 AM 10:59  
DEPT. OF LAND &  
NATURAL RESOURCES  
STATE OF HAWAII

This letter responds to your request for comment, received July 25, 2016, regarding the cancellation and subsequent issuance of a revocable permit on the subject property. The issuance of a new permit would allow the continued use of the land as a horse paddock. The Department of Planning and Permitting (DPP) has no objections to the cancellation of the existing revocable permit and the issuance of a new revocable permit.

The subject parcel is about 6.4 acres in land area, and is entirely within the F-1 Military and Federal Preservation District. The parcel is also within the State designated Agricultural District. Our records indicate that the land is currently owned by the State of Hawaii. Pursuant to Chapter 21, Revised Ordinances of Honolulu, Land Use Ordinance (LUO) Section 21-3.40(d), lands that are zoned F-1 Federal Preservation but are no longer under federal jurisdiction are subject to the development standards of the P-2 General Preservation District. The P-2 General Preservation District allows livestock grazing (horse paddock and stable) as described in the draft agenda item for the Board of Land and Natural Resources. The development standards for the P-2 General Preservation District can be found in LUO Section 21-3.40-1 [table 21-3.1].

It should also be noted that the DPP concurs with your staff regarding the use of the site for residential uses. The P-2 General Preservation District allows very few uses, most of which would be considered preservation or low-intensity agricultural uses. Dwellings, including farm dwellings, are not permitted in the P-2 General Preservation District.

*EXHIBIT 3*

Mr. Timmy Chee  
August 4, 2016  
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Thank you for the opportunity to review and comment on the subject permit. Should you have any questions, please contact Alex Beatty of our staff at 768-8032.

Very truly yours,

  
for George I. Atta, FAICP  
Director