

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

September 14, 2018

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

Oahu

Annual Renewal of Revocable Permits on the Island of Oahu. See Exhibit 2 for list of Revocable Permits.

HRS CHAPTER 343 – ENVIRONMENTAL ASSESSMENT:

In accordance with the Exemption List for the Department of Land and Natural Resources, approved by the Environmental Council on June 5, 2015, the subject action is exempt from the preparation of an environmental assessment pursuant to Exemption Class 1, "Operations, repairs, or maintenance of existing structures, facilities, equipment, or topographical features, involving negligible or no expansion or change of use beyond that previously existing." See Exhibit 1 attached.

BACKGROUND:

At the end of each calendar year, Land Division reviews its list of current revocable permits issued statewide and determines which ones to recommend to the Board of Land and Natural Resources for renewal for the upcoming year. Generally, those revocable permits in good standing will be recommended for renewal, unless the Board has approved a different disposition for the land covered by a particular permit.

In the past, staff has brought all revocable permits to the Board for renewal in one submittal. At its meeting on December 11, 2015, Item D-14, as amended, the Board directed staff to submit revocable permit renewals by county over four meetings, with an explanation of why a revocable permit is the appropriate disposition and how the rent was set. At its meeting on June 24, 2016, Item D-7, the Board further approved the recommendations of the Department of Land and Natural Resources Revocable Permit Task Force, as amended, requesting all divisions notate any non-compliance issues and pending litigation in the renewal template. In accordance with these directives, staff is submitting the Oahu revocable permits, including the additional information the Board requested.

REMARKS:

The list of revocable permits for Oahu that staff recommends be renewed for 2019 is attached as Exhibit 2. Included in the exhibit are the revocable permit number, permittee names, tax map keys, original commencement date of the permit, character of use, land area, annual rent, method by which staff set the rent and the rationale behind the issuance of a revocable permit. General location maps of the revocable permits to be renewed are attached as Exhibit 3.

At its meeting on August 26, 2016, agenda item D-11, the Board approved interim rents for the annual renewal of the revocable permits on Oahu for calendar year 2017. Through this submittal, staff recommends making the interim rents permanent.

Staff procured a contract with James Hallstrom of The Hallstrom Group/CBRE, Inc. (Appraiser) for appraisal services to assist in valuing the rent to charge for the use of State lands underlying revocable permits statewide as of January 1, 2018, and ground rent discounts for tenancy and use restriction, if any, for 34 of the 63 Oahu revocable permits. The Portfolio Appraisal Report (PAR) was completed on May 9, 2018.

The Appraiser recommends increasing 2019's rents by 2-3%, depending upon demand for the properties, over those indicated in the PAR. Staff recommends setting the 2019 Oahu revocable permit annual rents by the following categories (see Exhibit 2 for further details):

- Category A: Revocable permits (RPs) valued by the PAR indicating an increase in the annual rent. Staff recommends increasing the 2018 Indicated Annual Market Rent by 10% for 2019.
- Category B: RPs valued by the PAR indicating a decrease in the annual rent. Staff recommends increasing the annual rent by 3% over the PAR's Indicated Annual Market Rent.
- Category C: RPs not valued by the PAR: Staff recommends increasing the 2019 annual rent by 3% over 2018's annual rent.
- Category D: RPs where the PAR's Indicated Annual Market Rent increased by less than 10% over 2018's annual rent. Staff recommends a 3% increase.
- Category E: For special cases, regardless of whether included in the PAR or otherwise. Staff's recommendations for this category are discussed further in Exhibit 2.

With respect to the revocable permits in Category A, the Indicated Annual Market Rents from the PAR increased from a low of 7% to a high of 1,000%. Staff feels that immediately implementing these rents would cause some permittees to cancel their permits, resulting not only in the loss of revenue, but also forcing the Division to expend resources to maintain these lands. Staff views the 10% annual increases for these permits as a means for the Division to achieve rents closer to market over a short period of time, without causing a major disruption to the occupancy of and revenue generated from these

lands.

The following State and City & County of Honolulu agencies were consulted on this action with the results indicated:

Agency:	Comment:
Division of Forestry and Wildlife	No response by suspense date
Office of Conservation and Coastal Lands	See Exhibit 4 (staffs responses appear in Exhibit 2)
State Parks	No response by suspense date
Historic Preservation	No response by suspense date
Engineering	No comments
Oahu District Land Office	Comments incorporated into Exhibit 2
Commission on Water Resource Management	No response by suspense date
Division of Conservation and Resources Enforcement	No response by suspense date
Department of Hawaiian Home Lands	No response by suspense date
Department of Agriculture	No comments
Agribusiness Development Corporation	No response by suspense date
Office of Hawaiian Affairs	See Exhibit 5
C&C Department of Planning and Permitting	No comments
C&C Department of Facility Maintenance	No comments
C&C Department of Parks and Recreation	No comments
Board of Water Supply	No comments

Since the last renewal of the Oahu revocable permits on August 25, 2017, the following permits have been cancelled:

RP#	Permittee	Area	TMK	Monthly Rent	Cancelled on	Uses	Remarks
rp7056	Kapolei People's Inc. dba, Kapolei Golf Course	0.826	(1) 9-1-016:120-0000	728.31	2/8/2018	Parking	Land owned by UH
rp7082	Honolulu Community Action Program, Inc.	2	(1) 4-1-013:031-0000	20.62	2/28/2018	Community Use	Voluntarily cancelled
rp7402	Larry Jeffs dba Sugarland Farms, Inc.	142.149	(1) 9-1-16:8, 9-1-18:5,8	1,752.30	6/30/2017	Agriculture	Replaced by new RP
rp7469	Cheryl McConnell and Wesley Furtado	6.86	(1) 4-1-013:022-0000	160.29	11/30/2017	Pasture	Replaced by new permittee
rp7544	Kwock Nam Lau	0	(1) 2-2-010:033-0000	121.17	12/31/2017	Parking	Replaced by new RP
rp7610	Hawaiian Electric Company, Inc. and Hawaiian Telcom, Inc.	0	(1) 4-1-010:088-0000	16.76	6/5/2018	Utility	Changed into perpetual easemtn
rp7713	Dale Hardinger and Carla Hardinger	0.8	(1) 4-1-018:049-0000	16.96	8/29/2017	Pasture	Transferred to DOA
rp7825	Anitilose Unga and Melame Unga	2.164	(1) 5-8-001:038-0000	43.65	8/29/2017	Agriculture	Transferred to DOA
rp7843	Tactical Airgun Games Hawaii LLP	13.09	(1) 1-1-3:3,204 - 207,212	1,122.19	11/30/2017	Recreational	Voluntarily cancelled
rp7889	Kazuto Yamada	14.387	(1) 4-1-8:71, 72 por.	139.22	8/29/2017	Agriculture	Transferred to DOA



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. Approve the continuation of the revocable permits listed in Exhibit 2 on a month-to-month basis for another one-year period through December 31, 2019, except for permits that are in arrears of rental payment for more than 60 days and/or have been approved for forfeiture by a separate Board action. Permits in arrears of rental for 60 days or more and/or approved by the Board for forfeiture shall not be renewed; and
3. Approve no immediate change in current monthly rent for revocable permits as listed in Exhibit 2, provided however, that the Land Board reserves and Delegates to the Chairperson the right authority at any time to review and implement new rental charges for the revocable permits listed in Exhibit 2, effective any time from and after January 1, 2019.

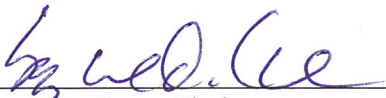
Respectfully Submitted,



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Richard T. Howard  
Land Agent

APPROVED FOR SUBMITTAL:



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Suzanne D. Case, Chairperson

# EXEMPTION NOTIFICATION

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

Project Title: Annual Renewal of Revocable Permits on the Island of Oahu.

Project / Reference No.: Not applicable

Project Location: Various locations on the Island of Oahu

Project Description: Renew existing revocable permits for a term of one year.

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

Exemption Class No.: In accordance with the Exemption List for the Department of Land and Natural Resources, approved by the Environmental Council on June 5, 2015, the subject request for issuance for right-of-entry is exempt from the preparation of an environmental assessment pursuant to Exemption Class 1, "Operations, repairs, or maintenance of existing structures, facilities, equipment, or topographical features, involving negligible or no expansion or change of use beyond that previously existing."

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

Cumulative Impact of Planned Successive Actions in Same Place Significant? No, the requested locations have been used for same uses since the permits were granted.

Action May Have Significant Impact on Particularly Sensitive Environment? No.

Analysis: The request pertains to renewing the revocable permits for Oahu. Staff believes that the request would involve negligible or no expansion or change in use of the subject location beyond that previously existing.

Consulted Parties Agencies listed in submittal.

Recommendation: 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.

## EXHIBIT 1

REVOCABLE PERMIT MASTER LIST 2019

Note: Permits showing "0" annual rent may be gratis, or subject to a non-fixed rental amount, e.g. % of net revenue, amount per event, or amount per unit consumed

(some water permits)										
Doc No.	Type	Permittee Name	TMK	Permit From	Char of Use	Area	2018 Annual Rent	Proposed 2019 Rent	Indicated Annual Market Rent	Comments re rent amount and why no long-term disposition
rp3954	E	AMERICAN LEGION DEPT OF HAWAII	(1) 2-3-034:001-0000	10/11/1966	American Legion clubhouse	0.181	5,321.16	480.00		<ul style="list-style-type: none"> <li>•2018 rent was increased 1.5% over the previous year.</li> <li>•The organization is a 501 (c)(19), and is therefore not eligible for a direct lease under 171-43, HRS, which requires 501 (c)(1) or 501 (c)(3) status. Staff recommends renewing the permit based on its conversations with permittee. Due to the specific language in HRS, it cannot qualify for a direct lease at a minimum rent. Based on the information provided by the permittee, it provides services to the veteran community. Therefore, staff recommends the Board adopt the nominal rent (\$480) for a typical non-profit lease for this RP.</li> </ul>

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(some water permits)										
Doc No.	Type	Permittee Name	TMK	Permit From	Char of Use	Area	2018 Annual Rent	Proposed 2019 Rent	Indicated Annual Market Rent	Comments re rent amount and why no long-term disposition
rp5407	C	KANEOHE YACHT CLUB	(1) 4-4-022:032-A	8/1/1977	Pier/Dock	0.184	2,134.68	2,198.72		<ul style="list-style-type: none"><li>•2018 rent was increased 1.5% over the previous year. Staff recommends increasing 2019's rent by 3% over 2018's.</li><li>•Staff met with the club's Board members who had some concerns over possible easement conditions, like public access. Awaiting further response from the permittee.</li></ul>

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(some water permits)										
Doc No.	Type	Permittee Name	TMK	Permit From	Char of Use	Area	2018 Annual Rent	Proposed 2019 Rent	Indicated Annual Market Rent	Comments re rent amount and why no long-term disposition
rp5408	C	MULLER, C. MICHAEL	(1) 4-1-001:011-A	9/1/1977	Pier/Dock	0.016	757.92	780.66		<ul style="list-style-type: none"> <li>•2018 rent was increased 1.5% over the previous year. Staff recommends increasing 2019's rent by 3% over 2018's.</li> <li>•At its meeting on 1/13/17, under agenda item D-14, the Board approved the grant of term, non-exclusive easement to permittee. The Governor's and Legislative concurrence were also obtained toward the issuance of an easement. Pending map and description from the permittee.</li> </ul>
rp5557	A	YAMASHIRO, INC., ED	(1) 1-2-021:042-0000	5/1/1978	Storage of trucks, trailers and construction equipment	0.964	36,194.04	39,813.44	43,260.00	<ul style="list-style-type: none"> <li>•2018 rent was increased 1.5% over the previous year. Staff recommends increasing 2019's rent by 10% over 2018's, notwithstanding the Indicated Annual Market Rent.</li> <li>•No access to parcel from public road.</li> </ul>



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(some water permits)										
Doc No.	Type	Permittee Name	TMK	Permit From	Char of Use	Area	2018 Annual Rent	Proposed 2019 Rent	Indicated Annual Market Rent	Comments re rent amount and why no long-term disposition
rp5563	E	CITY & COUNTY OF HONOLULU	(1) 9-2-005:014-0001	3/4/1978	Radio communication	0	0	0.00		<ul style="list-style-type: none"> <li>•Gratis.</li> <li>•Permittee is a governmental entity. Legal Access to the subject site needs to be verified.</li> </ul>
rp5614	E	CITY & COUNTY OF HONOLULU	(1) 3-1-042:006-0000	3/1/1979	Radio communication s antenna facilities for public safety comm. system	0.002	0	0.00		<ul style="list-style-type: none"> <li>•Gratis.</li> <li>•For C&amp;C of Honolulu radio tower and related structures located within Diamond Head Crater.</li> </ul>
rp5762	C	LIMA, SAMUEL & CATHERINE	(1) 8-5-4:34,43,44	5/15/1980	Pasture and Access	1.247	201.12	207.15		<ul style="list-style-type: none"> <li>•2018 rent was increased 1.5% over the previous year. Staff recommends increasing 2019's rent by 3% over 2018's.</li> <li>•Parcels are irregularly shaped and provide access to permittee's landlocked kuleana. At its meeting on 11/10/16, under agenda item D-13, the Board approved the transfer of the subject parcel to the DOA per Act 90. Staff will continue to work with DOA to accomplish the set aside.</li> </ul>

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(some water permits)										
Doc No.	Type	Permittee Name	TMK	Permit From	Char of Use	Area	2018 Annual Rent	Proposed 2019 Rent	Indicated Annual Market Rent	Comments re rent amount and why no long-term disposition
rp6331	A	AOAO KAUHALE BEACH COVE	(1) 4-5-003:002-A	4/1/1986	Pier/Dock	0.147	1,144.68	1,259.15	2,381.00	<ul style="list-style-type: none"><li>•2018 rent was increased 1.5% over the previous year. Staff recommends increasing 2019's rent by 10% over 2018's, notwithstanding the Indicated Annual Market Rent.</li><li>•Staff has not had any success in contacting the condo's Board regarding converting the rp to an easement.</li></ul>

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Doc No.	Type	Permittee Name	TMK	Permit From	Char of Use	Area	2018 Annual Rent	Proposed 2019 Rent	Indicated Annual Market Rent	Comments re rent amount and why no long-term disposition
rp6546	C	BUSH, C. BRYSON	(1) 4-5-058:121-0000	1/1/1988	Pier/Dock	0.007	262.92	270.81		<ul style="list-style-type: none"><li>•2018 rent was increased 1.5% over the previous year. Staff recommends increasing 2019's rent by 3% over 2018's.</li><li>•At its meeting on 12/9/2016, under agenda item D-20, the Board approved the grant of term, non-exclusive easement for permittee. The Board approved additional area for the easement at its meeting on June 8, 2018, under agenda item D-8. CDUA Permit OA-3017B covering piers under the Kaneohe Bay Pier Amnesty Program was approved by the Board on July 13, 2001, under agenda item D-32.</li></ul>

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(some water permits)										
Doc No.	Type	Permittee Name	TMK	Permit From	Char of Use	Area	2018 Annual Rent	Proposed 2019 Rent	Indicated Annual Market Rent	Comments re rent amount and why no long-term disposition
rp7018	C	GRANDE, THOMAS R.	(1) 4-1-010:016-0000	8/1/1996	Landscaping	0.21	649.68	669.17		<ul style="list-style-type: none"><li>•2018 rent was increased 1.5% over the previous year. Staff recommends increasing 2019's rent by 3% over 2018's.</li><li>•No access to property from public road. Annual rental makes selling the lease at public auction impracticable. The permittee withdrew his request to purchase the remnant, which was originally scheduled to go before the Board on May 11, 2018.</li></ul>
rp7188	A	DOONWOOD ENGINEERING, INC.	(1) 1-2-021:044-0000	11/1/1999	Baseyard for storage of engineering equipment	0.307	6,303.12	6,933.43	9,662.00	<ul style="list-style-type: none"><li>•2018 rent was increased 1.5% over the previous year. Staff recommends increasing 2019's rent by 10% over 2018's, notwithstanding the Indicated Annual Market Rent.</li><li>•No access to parcel from public road and lack of infrastructure.</li></ul>

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Doc No.	Type	Permittee Name	TMK	Permit From	Char of Use	Area	2018 Annual Rent	Proposed 2019 Rent	Indicated Annual Market Rent	Comments re rent amount and why no long-term disposition
rp7242	A	LULUKU BANANA GROWERS COOP	(1) 4-2-010:001-0000	9/1/2000	Cultivation of banana	190	8,070.96	8,878.06	28,500.00	<ul style="list-style-type: none"> <li>•2018 rent was increased 1.5% over the previous year. Staff recommends increasing 2019's rent by 10% over 2018's, notwithstanding the Indicated Annual Market Rent.</li> <li>•RP covers less than 10% of the parcel. Staff to work with DOFAW on the long term planning for the permit area in conjunction with the adjoining forest reserve.</li> </ul>
rp7356	C	REYNOLDS, JAMES C.	(1) 5-6-1:47,61	10/1/2003	Electrical utility purpose	0.34	677.88	698.22		<ul style="list-style-type: none"> <li>•2018 rent was increased 1.5% over the previous year. Staff recommends increasing 2019's rent by 3% over 2018's.</li> <li>•Staff to convert to a utility easement.</li> </ul>



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(some water permits)										
Doc No.	Type	Permittee Name	TMK	Permit From	Char of Use	Area	2018 Annual Rent	Proposed 2019 Rent	Indicated Annual Market Rent	Comments re rent amount and why no long-term disposition
rp7367	B	AOAO OF KEMOO BY THE LAKE	(1) 7-3-012:011-0000	4/1/2004	Residential parking	0.39	2,629.68	1,895.20	1,840.00	<ul style="list-style-type: none"> <li>•2018 rent was increased 1.5% over the previous year. Staff recommends increasing 2019's rent by 3% over the Indicated Annual Market Rent.</li> <li>•Federal covenants placed on the property at the time it was returned to the State limit its use to parking. Staff will evaluate whether sale of lease at public auction is possible for this parcel.</li> </ul>
rp7470	A	JSR EQUIPMENT, INC.	(1) 1-2-021:036-0000	1/1/2010	Baseyard, office and storage	1.424	40,480.20	44,528.22	52,743.00	<ul style="list-style-type: none"> <li>•2018 rent was increased 1.5% over the previous year. Staff recommends increasing 2019's rent by 10% over 2018's, notwithstanding the Indicated Annual Market Rent.</li> <li>•There is no access to the parcel from a public road.</li> </ul>

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(some water permits)										
Doc No.	Type	Permittee Name	TMK	Permit From	Char of Use	Area	2018 Annual Rent	Proposed 2019 Rent	Indicated Annual Market Rent	Comments re rent amount and why no long-term disposition
rp7477	C	YANAGIHARA, RAYMOND T.	(1) 4-5-006:039-0000	1/1/2010	Home gardening	0.077	194.04	199.86		•2018 rent was increased 1.5% over the previous year. Staff recommends increasing 2019's rent by 3% over 2018's. •Parcel is located on Kaneohe Bay with no access from public road.
rp7478	C	DE MAURO, JOSEPH	(1) 9-4-010:100-0000	1/1/2010	Cultivation of banana	0.413	201.12	207.15		•2018 rent was increased 1.5% over the previous year. Staff recommends increasing 2019's rent by 3% over 2018's. •No access to parcel from public road.
rp7489	C	HAWAIIAN ELECTRIC CO INC	(1) 9-2-005:014-0001	1/1/2010	Microwave communication station	0	11,601.48	11,949.52		•2018 rent was increased 1.5% over the previous year. Staff recommends increasing 2019's rent by 3% over 2018's. •RP covers only a portion of the parcel. Legal access to the site needs to be verified.

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(some water permits)										
Doc No.	Type	Permittee Name	TMK	Permit From	Char of Use	Area	2018 Annual Rent	Proposed 2019 Rent	Indicated Annual Market Rent	Comments re rent amount and why no long-term disposition
rp7501	C	CANSIBOG, ROBERTA	(1) 8-7-001:033-0000	1/1/2010	Maintenance and parking of boat trailer	0.424	417.60	430.13		<ul style="list-style-type: none"> <li>•2018 rent was increased 1.5% over the previous year. Staff recommends increasing 2019's rent by 3% over 2018's.</li> <li>•Part of the parcel is an intermittent flood area where rainwater drains into the Mailiili Channel during heavy downpours.</li> </ul>
rp7514	B	UNITED LAUNDRY SERVICES, INC.	(1) 1-2-021:046-0000	1/1/2010	Unloading of laundry, storage of laundry bins	0.047	2,954.52	1,626.37	1,579.00	<ul style="list-style-type: none"> <li>•2018 rent was increased 1.5% over the previous year. Staff recommends increasing 2019's rent by 3% over Indicated Annual Rent.</li> <li>•No access to parcel from public road.</li> </ul>

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(some water permits)										
Doc No.	Type	Permittee Name	TMK	Permit From	Char of Use	Area	2018 Annual Rent	Proposed 2019 Rent	Indicated Annual Market Rent	Comments re rent amount and why no long-term disposition
rp7517	A	OLOMANA GOLF LINKS, INC.	(1) 4-1-013:012-0000	10/1/2010	Golf course nursery operations	4.77	10,094.16	11,103.58	23,460.00	<ul style="list-style-type: none"> <li>•2018 rent was increased 1.5% over the previous year. Staff recommends increasing 2019's rent by 10% over 2018's, notwithstanding the Indicated Annual Market Rent.</li> <li>•This parcel is located between Kalaniana'ole Hwy. and Olomana Golf Course. Staff will sell lease at public auction upon the expiration of gl4095 underlying the golf course.</li> </ul>

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(some water permits)										
Doc No.	Type	Permittee Name	TMK	Permit From	Char of Use	Area	2018 Annual Rent	Proposed 2019 Rent	Indicated Annual Market Rent	Comments re rent amount and why no long-term disposition
rp7520	C	MIZUTA, ROBIN T.	(1) 4-1-010:049-0000	2/1/2010	Landscaping and access to private property	0.2	309.36	318.64		<ul style="list-style-type: none"><li>•2018 rent was increased 1.5% over the previous year. Staff recommends increasing 2019's rent by 3% over 2018's.</li><li>•The parcel sits between a public road and permittee's property and provides access to permittee's property as well as for other private land owners. A long-term disposition of the parcel or sale as a remnant is impracticable due to the access requirements of the other private property owners.</li></ul>



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(some water permits)										
Doc No.	Type	Permittee Name	TMK	Permit From	Char of Use	Area	2018 Annual Rent	Proposed 2019 Rent	Indicated Annual Market Rent	Comments re rent amount and why no long-term disposition
rp7560	E	MOUNT WILSON FM BROADCASTERS, INC.	(1) 3-6-004:026-0000	7/1/2010	FM radio transmission facility	0.079	115,557.72	119,024.45	41,400.00	<ul style="list-style-type: none"><li>•2018 rent was increased 1.5% over the previous year. Staff recommends increasing 2019's rent by 3% notwithstanding the Indicated Annual Market Rent. Permittee has taken a sandwich position on the site, and collects additional revenue from the other users of the site.</li><li>•Land Div. manages parcel for DOFAW. Staff found a submittal referenced OA-7/7/13-139 amending a prior Board CDUP action. In addition, the current permit area is a legally subdivided lot under Land Court Application 656, Map 248, Lot 1222-A, with an area of 0.079 acre. It has been set aside to DOFAW pursuant to EO 4409. It is our understanding that the Land Court system would not approve the subdivision of Lot 1222 into Lots 1222-A and 1222-B without a proper subdivision approval.</li></ul>

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(some water permits)										
Doc No.	Type	Permittee Name	TMK	Permit From	Char of Use	Area	2018 Annual Rent	Proposed 2019 Rent	Indicated Annual Market Rent	Comments re rent amount and why no long-term disposition
rp7561	D	HONOLULU POLO CLUB, INC.	(1) 4-1-009:262-0000	11/1/2010	Polo field and youth athletic programs	34.5	7,254.72	7,905.25	7,675.00	<ul style="list-style-type: none"> <li>•2018 rent was increased 1.5% over the previous year. Staff recommends increasing 2019's rent 3% to the Indicated Annual Market Rent.</li> <li>•ODLO staff has written to permittee outlining the necessary steps it must take for a long-term direct lease, but has so far received no response.</li> </ul>
rp7566	E	HILTON HAWAIIAN VILLAGE, LLC, JOINT VENTURE	(1) 2-6-008:029-0000	3/4/2010	Pier/Dock	0.09	465,970.80	479,949.92		<ul style="list-style-type: none"> <li>•2018 rent was increased 1.5% over the previous year. Staff recommends increasing 2019's rent by 3% over 2018's.</li> <li>•At its meeting on 10/27/17, under agenda item D-8, the Board agreed to keep the revocable permit in place for this property due to questions over the ownership of the improvements.</li> </ul>

## REVOCABLE PERMIT MASTER LIST 2019

Note: Permits showing "0" annual rent may be gratis, or subject to a non-fixed rental amount, e.g. % of net revenue, amount per event, or amount per unit consumed

(some water permits)										
Doc No.	Type	Permittee Name	TMK	Permit From	Char of Use	Area	2018 Annual Rent	Proposed 2019 Rent	Indicated Annual Market Rent	Comments re rent amount and why no long-term disposition
rp7579	C	AUWAIOLIMU CONGREGATIONAL CHURCH	(1) 2-2-14:17,26	6/1/2010	Church	0.199	538.32	554.47		<ul style="list-style-type: none"> <li>•2018 rent was increased 1.5% over the previous year. Staff recommends increasing 2019's rent by 3% over 2018's.</li> <li>• Staff met with permittee on 5/9/18 about the necessary steps it must take for it to receive a long-term direct lease. The permittee is interested in obtaining non-profit status, and must complete the relevant paperwork from the IRS.</li> </ul>
rp7587	C	KUNSTADTER, PETER	(1) 3-6-001:025-A	5/1/2010	Pier/Dock	0.006	293.88	302.70		<ul style="list-style-type: none"> <li>•2018 rent was increased 1.5% over the previous year. Staff recommends increasing 2019's rent by 3% over 2018's.</li> <li>•Staff has written to permittee about converting to a term easement, but has not received a response. Staff will continue in its attempt to contact permittee about converting the permit to a long-term disposition.</li> </ul>

REVOCABLE PERMIT MASTER LIST 2019

Note: Permits showing "0" annual rent may be gratis, or subject to a non-fixed rental amount, e.g. % of net revenue, amount per event, or amount per unit consumed

(some water permits)										
Doc No.	Type	Permittee Name	TMK	Permit From	Char of Use	Area	2018 Annual Rent	Proposed 2019 Rent	Indicated Annual Market Rent	Comments re rent amount and why no long-term disposition
rp7590	C	SAWINSKI, ROBERT G & RAY-JEN	(1) 4-6-022:026-A	7/1/2010	Pier/Dock	0.004	201.12	207.15		<ul style="list-style-type: none"> <li>•2018 rent was increased 1.5% over the previous year. Staff recommends increasing 2019's rent by 3% over 2018's.</li> <li>•Staff has written to permittee about converting to a term easement, but has not received a response. Staff will continue in its attempt to contact permittee about converting the permit to a long-term disposition.</li> </ul>
rp7596	C	HAWAIIAN ELECTRIC CO INC	(1) 9-9-044:022-0000	6/1/2010	Maintenance of electrical equipment, utility poles and wires, including the right to trim any tree or shrub that contacts said wires	0	201.12	207.15		<ul style="list-style-type: none"> <li>•2018 rent was increased 1.5% over the previous year. Staff recommends increasing 2019's rent by 3% over 2018's.</li> <li>•At its meeting on 7/8/16, under agenda item D-5, as amended to include HiTelcom as applicant, the Board approved issuance of perpetual, non-exclusive easement. Pending acceptance of appraised value by permittee.</li> </ul>

REVOCABLE PERMIT MASTER LIST 2019

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(some water permits)										
Doc No.	Type	Permittee Name	TMK	Permit From	Char of Use	Area	2018 Annual Rent	Proposed 2019 Rent	Indicated Annual Market Rent	Comments re rent amount and why no long-term disposition
rp7600	C	HAWAIIAN ELECTRIC COMPANY, INC.	(1) 4-1-010:095-0000	4/1/2010	Maintenance of electrical equipment, utility poles and wires, including the right to trim any tree or shrub that contacts said wires	0	201.12	207.15		<ul style="list-style-type: none"> <li>•2018 rent was increased 1.5% over the previous year. Staff recommends increasing 2019's rent by 3% over 2018's.</li> <li>•At its meeting on 2/10/17, under agenda item D-4, the Board approved issuance of perpetual, non-exclusive easement. Pending appraisal process.</li> </ul>
rp7601	C	HAWAIIAN ELECTRIC COMPANY, INC.	(1) 5-8-001:054-0000	4/1/2010	Maintenance of electrical equipment, utility poles and wires, including the right to trim any tree or shrub that contacts said wires	0	201.12	207.15		<ul style="list-style-type: none"> <li>•2018 rent was increased 1.5% over the previous year. Staff recommends increasing 2019's rent by 3% over 2018's.</li> <li>•At its meeting on 2/23/18, under agenda item D-10, the Board approved the issuance of perpetual, non-exclusive easement.</li> </ul>



REVOCABLE PERMIT MASTER LIST 2019

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(some water permits)										
Doc No.	Type	Permittee Name	TMK	Permit From	Char of Use	Area	2018 Annual Rent	Proposed 2019 Rent	Indicated Annual Market Rent	Comments re rent amount and why no long-term disposition
rp7602	C	HAWAIIAN ELECTRIC COMPANY, INC.	(1) 4-1-10, 4-1-25	4/1/2010	Maintenance of electrical equipment, utility poles and wires, including the right to trim any tree or shrub that contacts said wires	0	201.12	207.15		<ul style="list-style-type: none"> <li>•2018 rent was increased 1.5% over the previous year. Staff recommends increasing 2019's rent by 3% over 2018's.</li> <li>•Staff awaiting a survey map and description from permittee. Once received, staff will go to the Board to request a perpetual non-exclusive easement.</li> </ul>
rp7604	C	HAWAIIAN ELECTRIC COMPANY, INC.	(1) 4-1-010:000-0000	4/1/2010	Maintenance of electrical equipment, utility poles and wires, including the right to trim any tree or shrub that contacts said wires	0	201.12	207.15		<ul style="list-style-type: none"> <li>•2018 rent was increased 1.5% over the previous year. Staff recommends increasing 2019's rent by 3% over 2018's.</li> <li>•Staff awaiting a survey map and description from permittee. Once received, staff will go to the Board to request a perpetual non-exclusive easement.</li> </ul>

REVOCABLE PERMIT MASTER LIST 2019

Note: Permits showing "0" annual rent may be gratis, or subject to a non-fixed rental amount, e.g. % of net revenue, amount per event, or amount per unit consumed

(some water permits)										
Doc No.	Type	Permittee Name	TMK	Permit From	Char of Use	Area	2018 Annual Rent	Proposed 2019 Rent	Indicated Annual Market Rent	Comments re rent amount and why no long-term disposition
rp7605	C	HAWAIIAN ELECTRIC COMPANY, INC.	(1) 4-1-013:022-0000	5/1/2010	Maintenance of electrical equipment, utility poles and wires, including the right to trim any tree or shrub that contacts said wires	0	201.12	207.15		<ul style="list-style-type: none"> <li>•2018 rent was increased 1.5% over the previous year. Staff recommends increasing 2019's rent by 3% over 2018's.</li> <li>•Board action dated 12/15/89, agenda item F-15, amending Board action dated 9/13/85, agenda item F-14, adding additional area for a perpetual non-exclusive easement. Staff is currently working with permittee and DAGS Survey on easement map discrepancies. Following the resolution of the map discrepancies, staff will procure an appraisal.</li> </ul>

REVOCABLE PERMIT MASTER LIST 2019

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(some water permits)										
Doc No.	Type	Permittee Name	TMK	Permit From	Char of Use	Area	2018 Annual Rent	Proposed 2019 Rent	Indicated Annual Market Rent	Comments re rent amount and why no long-term disposition
rp7606	C	HAWAIIAN ELECTRIC COMPANY, INC.	(1) 4-1-010:095-0000	4/1/2010	Maintenance of electrical equipment, utility poles and wires, including the right to trim any tree or shrub that contacts said wires	0	201.12	207.15		<ul style="list-style-type: none"> <li>•2018 rent was increased 1.5% over the previous year. Staff recommends increasing 2019's rent by 3% over 2018's.</li> <li>•At its meeting on 2/10/17, under agenda item D-4, the Board approved issuance of perpetual, non-exclusive easement. Pending appraisal process.</li> </ul>

REVOCABLE PERMIT MASTER LIST 2019

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(some water permits)										
Doc No.	Type	Permittee Name	TMK	Permit From	Char of Use	Area	2018 Annual Rent	Proposed 2019 Rent	Indicated Annual Market Rent	Comments re rent amount and why no long-term disposition
rp7607	C	HAWAIIAN ELECTRIC COMPANY, INC.	(1) 5-9-006:6, 26	6/1/2010	Maintenance of electrical equipment, utility poles and wires, including the right to trim any tree or shrub that contacts said wires	0	201.12	207.15		<ul style="list-style-type: none"> <li>•2018 rent was increased 1.5% over the previous year. Staff recommends increasing 2019's rent by 3% over 2018's.</li> <li>•Staff awaiting a survey map and description from permittee, which it expects to receive in September 2018. Staff will then go to the Board requesting a perpetual non-exclusive easement. Although staff could find no evidence of permittee applying for a CDUP in its files, there is a letter dated 2/6/1961 from the director of the Department of Agriculture and Conservation approving the easement. If OCCL requires, staff will instruct permittee to apply for a CDUP or provide proof to OCCL that the use/structure is nonconforming.</li> </ul>

REVOCABLE PERMIT MASTER LIST 2019

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(some water permits)										
Doc No.	Type	Permittee Name	TMK	Permit From	Char of Use	Area	2018 Annual Rent	Proposed 2019 Rent	Indicated Annual Market Rent	Comments re rent amount and why no long-term disposition
rp7643	A	SAVIO KC OPERATING COMPANY	(1) 2-3-018:045-0000	1/1/2011	Parking for Commercial Building	0.045	6,903.60	7,593.96	7,680.00	<ul style="list-style-type: none"> <li>•2018 rent was increased 1.5% over the previous year. Staff recommends increasing 2019's rent by 10% over 2018's, notwithstanding the Indicated Annual Market Rent.</li> <li>•Substandard parcel size.</li> </ul>
rp7688	E	ROSLINDALE, INC.	(1) 7-3-012:011-0000	6/1/2011	Parking for Commercial Building	0.117	736.92	568.56		<ul style="list-style-type: none"> <li>•2018 rent was increased 1.5% over the previous year. Staff recommends using the Indicated Annual Market Rent for rp7367 (\$1,840 for 0.39 Ac) as a benchmark and increasing that benchmarked rent by 3%.</li> <li>•Federal covenants placed on the property at the time it was returned to the State limit its use to parking. Staff will evaluate whether sale of the lease at public auction is possible for this parcel.</li> </ul>

REVOCABLE PERMIT MASTER LIST 2019

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(some water permits)										
Doc No.	Type	Permittee Name	TMK	Permit From	Char of Use	Area	2018 Annual Rent	Proposed 2019 Rent	Indicated Annual Market Rent	Comments re rent amount and why no long-term disposition
rp7714	A	FUKUSHIMA, RALPH	(1) 4-1-013:011-0000	7/1/2011	Pasture	56.35	5,841.48	6,425.63	6,760.00	<ul style="list-style-type: none"> <li>•2018 rent was increased 1.5% over the previous year. Staff recommends increasing 2019's rent by 10% over 2018's, notwithstanding the Indicated Annual Market Rent.</li> <li>•At its meeting on 11/10/16, under agenda item D-13, the Board approved the transfer of the subject parcel to the DOA per Act 90. Staff will continue working with the DOA on set aside.</li> </ul>
rp7717	C	RAPOZA, GEORGE, JUNE, WESLEY & DESIREE	(1) 6-8-002:017-0000	8/1/2011	Pasture	32.05	201.12	207.15		<ul style="list-style-type: none"> <li>•2018 rent was increased 1.5% over the previous year. Staff recommends increasing 2019's rent by 3% over 2018's.</li> <li>•Parcel is landlocked. DOFAW is interested in having the property set aside.</li> </ul>

REVOCABLE PERMIT MASTER LIST 2019

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(some water permits)										
Doc No.	Type	Permittee Name	TMK	Permit From	Char of Use	Area	2018 Annual Rent	Proposed 2019 Rent	Indicated Annual Market Rent	Comments re rent amount and why no long-term disposition
rp7725	B	PESTANA CORP. DBA BOB'S EQUIPMENT	(1) 1-2-021:040-0000	8/1/2011	Baseyard, including sales and rental of construction equipment	1.102	90,807.36	46,600.29	45,243.00	<ul style="list-style-type: none"> <li>•2018 rent was increased 1.5% over the previous year. Staff recommends increasing 2019's rent by 3% over 2018's.</li> <li>• No access to parcel from public road.</li> </ul>
rp7743	E	PEOPLE AND PET PARK, INC.	(1) 3-1-042:012-0000	9/1/2011	Dog park	1.461	0	0.00		<ul style="list-style-type: none"> <li>•Gratis.</li> <li>•Staff has spoken to representatives of the permittee about the possibility of a long-term direct lease, and permittee is interested. Staff to follow up.</li> </ul>
rp7748	A	ROBERT'S CENTRAL LAUPAHOEHOE INC.	(1) 1-2-021:041-0000	9/1/2011	Parking of buses	1.745	47,529.72	52,282.69	70,110.00	<ul style="list-style-type: none"> <li>•2018 rent was increased 1.5% over the previous year. Staff recommends increasing 2019's rent by 10% over 2018's, notwithstanding the Indicated Annual Market Rent.</li> <li>•No access to parcel from public road.</li> </ul>



REVOCABLE PERMIT MASTER LIST 2019

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(some water permits)										
Doc No.	Type	Permittee Name	TMK	Permit From	Char of Use	Area	2018 Annual Rent	Proposed 2019 Rent	Indicated Annual Market Rent	Comments re rent amount and why no long-term disposition
rp7782	A	CARRILLO, ANTONE	(1) 8-7-001:029-0000	9/1/2011	Residential	0.4	8,184.96	9,003.46	23,400.00	<ul style="list-style-type: none"><li>•2018 rent was increased 1.5% over the previous year. Staff recommends increasing 2019's rent by 10% over 2018's, notwithstanding the Indicated Annual Market Rent.</li><li>•Staff will contact the CCH's Office of Housing about the possibility of setting aside this parcel.</li></ul>
rp7832	B	PRECAST, INC. AND RAYLYNN REBAR, LLC	(1) 1-2-021:045-0000	8/1/2013	Storage of finished pre-cast concrete products	0.97	49,061.04	30,137.80	29,260.00	<ul style="list-style-type: none"><li>•2018 rent was increased 1.5% over the previous year. Staff recommends increasing 2019's rent by 3% over Indicated Annual Rent.</li><li>•RP covers only a portion of this irregularly shaped lot, the majority of which is deemed unusable due to stream banks and vulnerability to tidal fluctuations.</li></ul>

REVOCABLE PERMIT MASTER LIST 2019

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(some water permits)										
Doc No.	Type	Permittee Name	TMK	Permit From	Char of Use	Area	2018 Annual Rent	Proposed 2019 Rent	Indicated Annual Market Rent	Comments re rent amount and why no long-term disposition
rp7835	B	THE HARRY & JEANETTE WEINBERG, FOUNDATION INC.	(1) 1-2-021:037-0000	8/1/2013	Storage, parking, roadway and office	0.674	37,733.64	18,597.68	18,056.00	<ul style="list-style-type: none"><li>•2018 rent was increased 1.5% over the previous year. Staff recommends increasing 2019's rent by 3% over Indicated Annual Rent.</li><li>•No access to parcel from public road, parking use.</li></ul>
RP7849	C	RESORTTRUST HAWAII LLC	(1) 3-5-023:041-0000	7/1/2016	Recreational	0.929	15,151.92	15,606.48		<ul style="list-style-type: none"><li>•2018 rent was increased 1.5% over the previous year. Staff recommends increasing 2019's rent by 3% over 2018's.</li><li>•Staff plans to request a new rp for permittee using an appraiser to determine the rent. The renewal will allow staff time to procure the appraisal.</li></ul>

REVOCABLE PERMIT MASTER LIST 2019

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(some water permits)										
Doc No.	Type	Permittee Name	TMK	Permit From	Char of Use	Area	2018 Annual Rent	Proposed 2019 Rent	Indicated Annual Market Rent	Comments re rent amount and why no long-term disposition
rp7851	A	HINES, JACOB KALEO	(1) 4-1-018:050-0000	2/1/2015	Residential	0.8	6,272.76	6,900.04	12,340.00	<ul style="list-style-type: none"><li>•2018 rent was increased 1.5% over the previous year. Staff recommends increasing 2019's rent by 10% over 2018's, notwithstanding the Indicated Annual Market Rent.</li><li>•Substandard lot size. Permittee's rent is 1 month in arrears.</li></ul>

REVOCABLE PERMIT MASTER LIST 2019

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(some water permits)										
Doc No.	Type	Permittee Name	TMK	Permit From	Char of Use	Area	2018 Annual Rent	Proposed 2019 Rent	Indicated Annual Market Rent	Comments re rent amount and why no long-term disposition
rp7853	A	LUM, ERNEST	(1) 9-4-049:062-0000	3/1/2017	Storage for general contractor	0.625	28,776.00	31,653.60	39,567.00	<ul style="list-style-type: none"> <li>•2018 rent was increased 1.5% over the previous year. Staff recommends increasing 2019's rent by 10% over 2018's, notwithstanding the Indicated Annual Market Rent.</li> <li>•Staff is scheduled to submit a request to the Board seeking approval to sell the master lease underlying RPs 7853, 7854, 7856-7858, 7860 &amp; 7861 at public auction. The renewal of the rp will give staff sufficient time to finalize the master lease document and procure an appraisal prior to the public auction.</li> </ul>

REVOCABLE PERMIT MASTER LIST 2019

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(some water permits)

Doc No.	Type	Permittee Name	TMK	Permit From	Char of Use	Area	2018 Annual Rent	Proposed 2019 Rent	Indicated Annual Market Rent	Comments re rent amount and why no long-term disposition
rp7854	A	LUCERO, GARY	(1) 9-4-049:062-0000	3/1/2017	Storage for painting contractor	0.028	12,757.68	14,033.45	18,477.00	<ul style="list-style-type: none"><li>•2018 rent was increased 1.5% over the previous year. Staff recommends increasing 2019's rent by 10% over 2018's, notwithstanding the Indicated Annual Market Rent.</li><li>•Staff is scheduled to submit a request to the Board seeking approval to sell the master lease underlying RPs 7853, 7854, 7856-7858, 7860 &amp; 7861 at public auction. This will give staff sufficient time to finalize the master lease document and procure an appraisal prior to the public auction.</li></ul>

REVOCABLE PERMIT MASTER LIST 2019

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(some water permits)										
Doc No.	Type	Permittee Name	TMK	Permit From	Char of Use	Area	2018 Annual Rent	Proposed 2019 Rent	Indicated Annual Market Rent	Comments re rent amount and why no long-term disposition
rp7856	A	KAI CONSTRUCTION HAWAII, INC.	(1) 9-4-049:062-0000	3/1/2017	Office and storage for general contractor	0.031	14,256.00	15,681.60	19,116.00	<ul style="list-style-type: none"> <li>•2018 rent was increased 1.5% over the previous year. Staff recommends increasing 2019's rent by 10% over 2018's, notwithstanding the Indicated Annual Market Rent.</li> <li>•Staff is scheduled to submit a request to the Board seeking approval to sell the master lease underlying RPs 7853, 7854, 7856-7858, 7860 &amp; 7861 at public auction. The renewal of the rp will give staff sufficient time to finalize the master lease document and procure an appraisal prior to the public auction.</li> </ul>

REVOCABLE PERMIT MASTER LIST 2019

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(some water permits)										
Doc No.	Type	Permittee Name	TMK	Permit From	Char of Use	Area	2018 Annual Rent	Proposed 2019 Rent	Indicated Annual Market Rent	Comments re rent amount and why no long-term disposition
rp7857	A	WISNIEWSKI, JOHN	(1) 9-4-049:062-0000	3/1/2017	Auto glass replacement business	0.032	14,472.00	15,919.20	20,790.00	<ul style="list-style-type: none"> <li>•2018 rent was increased 1.5% over the previous year. Staff recommends increasing 2019's rent by 10% over 2018's, notwithstanding the Indicated Annual Market Rent.</li> <li>•Staff is scheduled to submit a request to the Board seeking approval to sell the master lease underlying RPs 7853, 7854, 7856-7858, 7860 &amp; 7861 at public auction. The renewal of the rp will give staff sufficient time to finalize the master lease document and procure an appraisal prior to the public auction.</li> </ul>

REVOCABLE PERMIT MASTER LIST 2019

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(some water permits)										
Doc No.	Type	Permittee Name	TMK	Permit From	Char of Use	Area	2018 Annual Rent	Proposed 2019 Rent	Indicated Annual Market Rent	Comments re rent amount and why no long-term disposition
rp7858	A	TACHIBANA PAINTING LLC	(1) 9-4-049:062-0000	3/1/2017	Office and storage for painting contractor	0.031	15,552.00	17,107.20	19,116.00	<ul style="list-style-type: none"> <li>•2018 rent was increased 1.5% over the previous year. Staff recommends increasing 2019's rent by 10% over 2018's, notwithstanding the Indicated Annual Market Rent.</li> <li>•Staff is scheduled to submit a request to the Board seeking approval to sell the master lease underlying RPs 7853, 7854, 7856-7858, 7860 &amp; 7861 at public auction. The renewal of the rp will give staff sufficient time to finalize the master lease document and procure an appraisal prior to the public auction.</li> </ul>



REVOCABLE PERMIT MASTER LIST 2019

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(some water permits)										
Doc No.	Type	Permittee Name	TMK	Permit From	Char of Use	Area	2018 Annual Rent	Proposed 2019 Rent	Indicated Annual Market Rent	Comments re rent amount and why no long-term disposition
rp7859	A	WISNIEWSKI, JOHN	(1) 9-4-049:062-0000	11/1/2017	Auto glass replacement business	0.0167	8,473.92	9,321.31	11,269.00	<ul style="list-style-type: none"><li>•Rent set by in-house valuation dated 8/4/16. Staff recommends increasing 2019's rent by 10% over 2018's, notwithstanding the Indicated Annual Market Rent.</li><li>•Staff is scheduled to submit a request to the Board seeking approval to sell the master lease underlying RPs 7853, 7854, 7856-7858, 7860 &amp; 7861 at public auction. The renewal of the rp will give staff sufficient time to finalize the master lease document and procure an appraisal prior to the public auction.</li></ul>

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(some water permits)										
Doc No.	Type	Permittee Name	TMK	Permit From	Char of Use	Area	2018 Annual Rent	Proposed 2019 Rent	Indicated Annual Market Rent	Comments re rent amount and why no long-term disposition
rp7860	A	ALFONSO, VIDAL	(1) 9-4-049:062-0000	3/1/2017	Auto body shop	0.031	14,256.00	15,681.60	20,412.00	<ul style="list-style-type: none"> <li>•2018 rent was increased 1.5% over the previous year. Staff recommends increasing 2019's rent by 10% over 2018's, notwithstanding the Indicated Annual Market Rent.</li> <li>•Staff is scheduled to submit a request to the Board seeking approval to sell the master lease underlying RPs 7853, 7854, 7856-7858, 7860 &amp; 7861 at public auction. The renewal of the rp will give staff sufficient time to finalize the master lease document and procure an appraisal prior to the public auction.</li> </ul>
rp7883	E	HIGGINS, ROLAND AND DARALYNN	(1) 3-8-004:080, 056	9/1/2018	Residence purposes	0.1867	3,992.88	3,992.88	18,240.00	<ul style="list-style-type: none"> <li>•Rent set by Board at its meeting on June 22, 2018, under agenda item D-7.</li> <li>•No access from public road.</li> </ul>

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(some water permits)										
Doc No.	Type	Permittee Name	TMK	Permit From	Char of Use	Area	2018 Annual Rent	Proposed 2019 Rent	Indicated Annual Market Rent	Comments re rent amount and why no long-term disposition
rp7893	B	UNITED LAUNDRY SERVICES, INC.	(1) 1-2-021:045-0000	11/1/2016	Employee parking	3.53	49,182.84	35,815.16	34,772.00	<ul style="list-style-type: none"> <li>•2018 rent was increased 1.5% over the previous year. Staff recommends increasing 2019's rent by 3% over Indicated Annual Rent.</li> <li>•RP covers only a portion of this irregularly shaped lot, the majority of which is deemed unusable due to stream banks and vulnerability to tidal fluctuations.</li> </ul>
rp7896	C	PU'A FOUNDATION AND HUI MAHI'AI	(1) 4-1-008:POR072, 075	11/1/2016	Community farming	7.613	487.20	501.82		<ul style="list-style-type: none"> <li>•2018 rent was increased 1.5% over the previous year. Staff recommends increasing 2019's rent by 3% over 2018's.</li> <li>•Site is not a legally subdivided lot and lacks proper legal access. The revocable permit is meant to be in place until a direct lease can be issued.</li> </ul>

REVOCABLE PERMIT MASTER LIST 2019

Note: Permits showing "0" annual rent may be gratis, or subject to a non-fixed rental amount, e.g. % of net revenue, amount per event, or amount per unit consumed

(some water permits)										
Doc No.	Type	Permittee Name	TMK	Permit From	Char of Use	Area	2018 Annual Rent	Proposed 2019 Rent	Indicated Annual Market Rent	Comments re rent amount and why no long-term disposition
rp7898	A	AOAO 1942/1946 PAUOA ROAD, INC.	(1) 2-2-010:021-0000	1/1/2017	Residential parking	0.053	1,188.00	1,306.80	1,830.00	<ul style="list-style-type: none"> <li>•2018 rent was increased 1.5% over the previous year. Staff recommends increasing 2019's rent by 10% over 2018's, notwithstanding the Indicated Annual Market Rent.</li> <li>•No access to parcel from public road.</li> </ul>
rp7899	A	NAKOA, MARY	(1) 8-6-002:005-0000	3/1/2017	Horse paddock	6.407	2,021.88	2,224.07	2,716.00	<ul style="list-style-type: none"> <li>•2018 rent was increased 1.5% over the previous year. Staff recommends increasing 2019's rent by 10% over 2018's, notwithstanding the Indicated Annual Market Rent.</li> <li>•This irregularly shaped low-lying pasture sits adjacent to the Ma'ili'ili flood control channel. It is often exposed to water causing wet and muddy conditions due to inadequate drainage infrastructure.</li> </ul>

REVOCABLE PERMIT MASTER LIST 2019

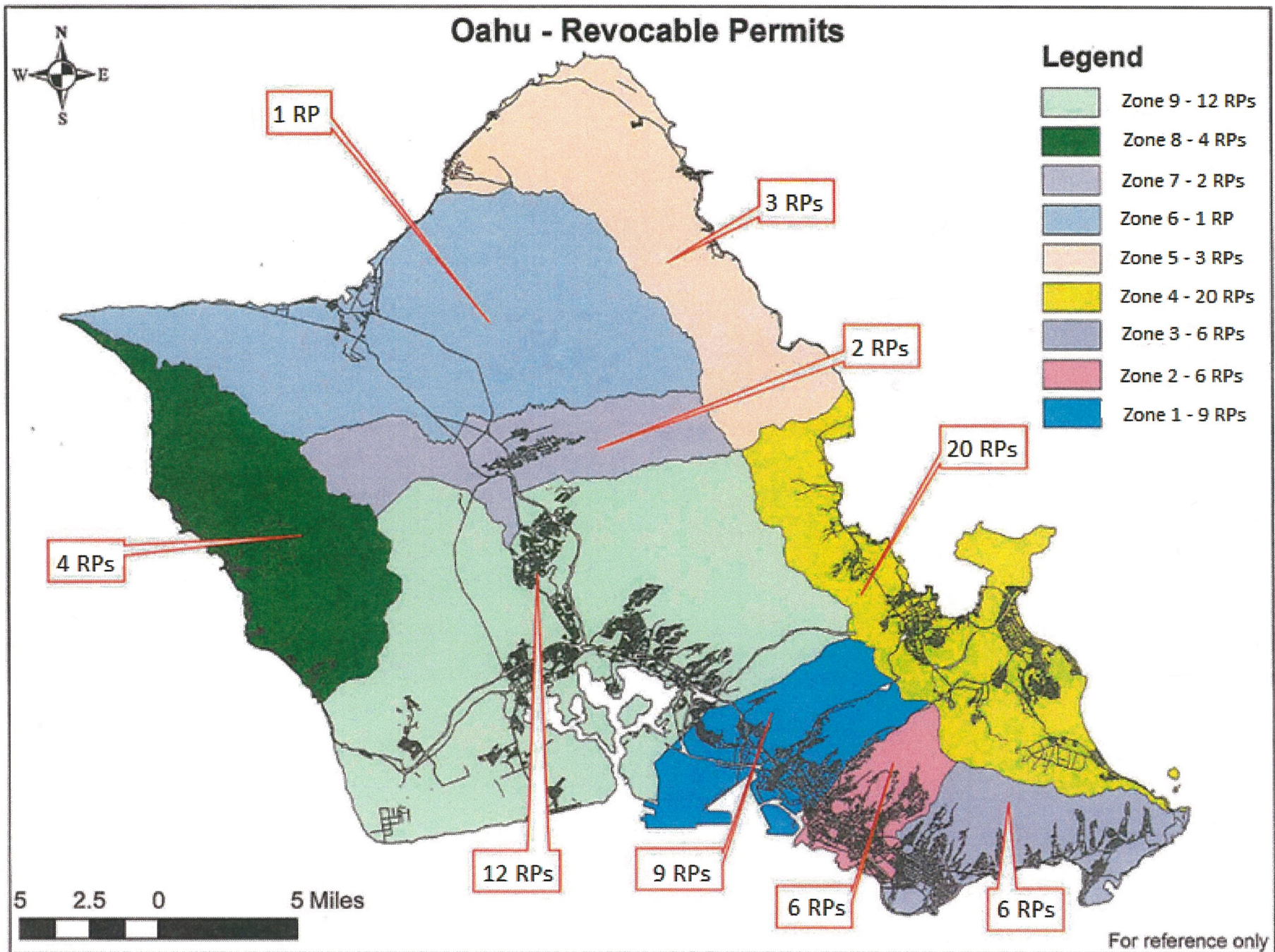
Note: Permits showing "0" annual rent may be gratis, or subject to a non-fixed rental amount, e.g. % of net revenue, amount per event, or amount per unit consumed

(some water permits)										
Doc No.	Type	Permittee Name	TMK	Permit From	Char of Use	Area	2018 Annual Rent	Proposed 2019 Rent	Indicated Annual Market Rent	Comments re rent amount and why no long-term disposition
rp7900	A	BENN, CO-TRUSTEES, ET AL, LIANA LAU AND CHARLES	(1) 2-2-010:021-0000	1/11/2018	Residential parking	0.0826	1,848.00	2,032.80	2,610.00	<ul style="list-style-type: none"> <li>•The 2018 rent is based on rent of an adjacent rp, which the Board previously approved as part of the 2018 Oahu rp renewal. Staff recommends increasing 2019's rent by 10% over 2018's, notwithstanding the Indicated Annual Market Rent.</li> <li>•No access to parcel from public road.</li> </ul>
rp7907	A	SUGARLAND FARMS, INC.	(1) 9-1-16:8, 9-1-18:5	2/1/2018	Agriculture	131.73	19,486.92	21,435.61	32,934.00	<ul style="list-style-type: none"> <li>•Staff used the ratio of rent/area from the permittee's previous rp to calculate the new rent for the reduced permit area. Staff recommends increasing 2019's rent by 10% over 2018's, notwithstanding the Indicated Annual Market Rent.</li> <li>•Potential for future development makes property unsuitable for long term agricultural lease.</li> </ul>

REVOCABLE PERMIT MASTER LIST 2019

Note: Permits showing "0" annual rent may be gratis, or subject to a non-fixed rental amount, e.g. % of net revenue, amount per event, or amount per unit consumed

(some water permits)										
Doc No.	Type	Permittee Name	TMK	Permit From	Char of Use	Area	2018 Annual Rent	Proposed 2019 Rent	Indicated Annual Market Rent	Comments re rent amount and why no long-term disposition
rp7910	C	TEXIERA, RICHARD R. AND KATHLEEN V.	(1) 4-1-013:022-0000	3/27/2018	Pasture and stabling of horses	6.86	1,923.48	1,981.18		<ul style="list-style-type: none"><li>•The 2018 rent is the same paid by the previous permittee as approved by the Board. Staff recommends increasing 2019's rent by 3% over 2018's.</li><li>•At its meeting on 11/10/16, under agenda item D-13, the Board approved the transfer of the subject parcel to DOA per Act 90. Staff will continue to work with the DOA to complete the set aside.</li></ul>





DAVID Y. IGE  
GOVERNOR OF  
HAWAII



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

ROBERT K. MASUDA  
FIRST DEPUTY

JEFFREY T. PEARSON, P.E.  
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  
DEPARTMENT OF LAND AND NATURAL RESOURCES

OFFICE OF CONSERVATION AND COASTAL LANDS  
POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

REF: OCCL: AJR

**MEMORANDUM**

COR: OA-19-03

JUL - 9 2018

TO: Richard T. Howard, Land Agent  
DLNR – Land Division

FROM: Samuel J. Lemmo, Administrator  
DLNR – Office of Conservation and Coastal Lands

SUBJECT: Annual Renewal of Revocable Permits for Oahu  
Various Districts, Island of Oahu  
TMKs: (1) various

RECEIVED  
NATURAL RESOURCES  
STATE OF HAWAII

2018 JUL - 9 AM 10:43

RECEIVED  
LAND DIVISION

Dear Mr. Howard,

The Office of Conservation and Coastal Lands (OCCL) is in receipt of your letter and documentation regarding the *Annual Review of Revocable Permits* (RP) of Oahu. Based on our review of the submitted RP list, we offer the following list of parcels located within the State Land Use (SLU) Conservation District:

- RP5563: TMK: 9-2-005:014; Located within the SLU Conservation District; Resource Subzone (CDUPs: OA1888; OA2172; OA2628; OA3502).
- RP5614: TMK: 3-1-042:006; Located within the SLU Conservation District; Resource Subzone (CDUPs: OA589; OA1719 & SPAs: OA1702, OA1740).
- RP6546: TMK: 4-5-058:121; Portion of parcel located in water – submerged lands of the state, SLU Conservation District, Resource Subzone (No Permits found in OCCL Database).
- RP7242: TMK: 4-2-010:001; Located within the SLU Conservation District; Resource and Protective Subzones (CDUPs: OA616, OA1748, OA2143, OA3611).
- RP7489: TMK: 9-2-005:014; Located within the SLU Conservation District, Resource Subzone (CDUPs: OA1888, OA2172, OA2628, OA3502).

EXHIBIT "4"



- RP7560: TMK: 3-6-004:026; Located within the SLU Conservation District, Resource Subzone (*No permits found in OCCL Database*).
- RP7566: TMK: 2-6-008:029; Submerged Lands of the State - Conservation District, Resource Subzone (*No permits found in OCCL Database*).
- RP7607(1): TMK: 5-9-006:006; Located within the SLU Conservation District, General and Resource Subzone (*No permits found in OCCL Database*).
- RP7607(2): TMK: 5-9-006:026; Located within the SLU Conservation District, Resource Subzone (*CDUPs: OA2807, OA3402*).
- RP7714: TMK: 4-1-013:011; Property is approximately 90% SLU Conservation District, General Subzone and 10% SLU Urban District (*CDUP: OA1871*).
- RP7849: TMK: 3-5-023:041; Beach – Submerged Lands of the State – SLU Conservation District, Resource Subzone (*SPA: OA0729*).

The OCCL would like to take this opportunity to remind those persons or entities that utilize parcels located within the SLU Conservation District that permittees/applicants are required to inform this office of any proposed land uses that may occur in the Conservation District.

If you have any questions regarding this correspondence please contact Alex J. Roy, M.Sc. of our *Office of Conservation and Coastal Lands* staff at 808-587-0316 or via email at [alex.j.roy@hawaii.gov](mailto:alex.j.roy@hawaii.gov)

Thank you.

*CC: Chairperson*



**STATE OF HAWAII**  
**OFFICE OF HAWAIIAN AFFAIRS**  
560 N. NIMITZ HWY., SUITE 200  
HONOLULU, HAWAII 96817

HRD18-7890C

July 26, 2018

Richard T. Howard  
Land Agent  
Department of Land and Natural Resources, Land Division  
P.O. BOX 621  
Honolulu, HI 96809

Re: Annual Renewal of Revocable Permits for O'ahu

Aloha e Mr. Howard:

The Office of Hawaiian Affairs (OHA) received your draft submittal to the Board of Land and Natural Resources (BLNR), dated July 3, 2018. The Department of Land and Natural Resources (DLNR) Land Division is recommending to the BLNR renewal of 64 month-to-month revocable permits (RPs) held on O'ahu for a period of one year. The 2019 Revocable Permit Master List (master list) included as Exhibit 2 of the draft submittal, provides a table of the subject RPs. Although OHA notes an increase in the level of detail provided compared to previous master lists, there still is insufficient information to determine whether some of these requested renewals should be approved by the BLNR. OHA again reiterates, as has been done in prior comment letters and testimonies regarding annual renewals, that the master list fails to include pertinent information regarding some of the RPs as required by the DLNR Revocable Permit Task Force (Task Force) recommendations adopted by the BLNR on June 24, 2016.

The Task Force's recommended checklist includes the addition of a timetable for RPs that are pending lease conversions or executive set-aside orders. In several of the RPs listed (RP5407, RP5408, RP6331, RP7356, RP7570, RP7714), no timetable is provided for pending leases. OHA cited these RPs in our August 26, 2016 testimony to the BLNR regarding the 2017 annual renewal of RPs for O'ahu. Several of these RPs now include additional detail in the comments column, but the detail provided is of questionable utility as comments are still insufficient in aiding the BLNR to determine when a lease conversion or set-aside will occur. For example, RP5407, which has been permitted since 1977, added details that "staff met with the club's Board members [permittee] who had some concerns over possible easement conditions." However, this does not provide information regarding the lease conversion timeline, nor is any insight provided as to when the meeting took place. If no timeline is available, OHA recommends the DLNR include information regarding future and past meetings and/or deadlines. This information is particularly

**EXHIBIT "5"**



important to RPs that have been in place for decades, as it could assist the BLNR with determining whether to approve these RPs that have existed well beyond their intended temporary status.

Furthermore, OHA finds the continuance of some of these RPs questionable. In the comments for RP6331 (permitted since 1986), it states that "staff has not had any success in contacting" respective permittees to negotiate a lease or easement conversion. No timeline or further detail is provided. Similarly, RP7590 (permitted since 2010) states that staff "has not received a response" to inquiries made by staff regarding a lease conversion. OHA recommends including consequences to non-responsive permittees that may include RP suspension or revocation and proposing deadlines for responses from permittees. Without such consequence, the permittee has no incentive to comply nor is any effort displayed by the BLNR to rectify inappropriately issued RPs.

The Task Force also recommends including more details regarding RPs with apparent unusual circumstances. OHA finds this particularly relevant to RPs 7566 and 7849. Regarding RP7566 (permitted since 2010), OHA submitted testimony on October 27, 2017 to the BLNR questioning the issuance of this RP. It appeared to OHA that a private corporate entity (the permittee) was seeking an exclusive easement over submerged lands via an RP, where public access and use should be allowable. It was our understanding that the permittee was asserting ownership over an improvement (i.e., a pier) on the parcel that they had not built, but only repaired. In turn, the permittee used their claim of ownership over the improvement to argue for their continued exclusive use of submerged State land via an RP. In the current master list, the comments column for this RP states that "the Board agreed to keep the revocable permit in place for this property due to questions over the ownership of the improvements." This detail does not provide any insight as to whether the DLNR is making an effort to clarify and ultimately resolve the ownership issue. Without such resolution or further details (with a timeline for steps to be taken towards a resolution), the BLNR cannot properly assess whether to approve this RP as part of the 2019 master list.

Regarding RP 7849 (permitted since 2016), OHA notes that significant concerns have been raised regarding the permittee's use of the subject parcel as well as surrounding parcels of state lands. For example, the permittee has placed furniture (i.e., beach chairs) and fixed structures (i.e., open-air hut, gazebo) in a manner that may exclude or substantially inhibit the public's use and enjoyment of a public beach and adjacent public areas. OHA raised this concern in a letter to the DLNR dated May 4, 2017, in response to an April 2017 Draft Environmental Assessment (DEA) the permittee had completed for proposed beach enhancements. OHA is also aware of more recent allegations concerning continued commercial activities (i.e., beach chair rentals, alcohol sales, surf lessons, wedding events, and even a restaurant) on the subject parcel that likewise displace the general public, and are not congruent with the existing allowable RP uses of recreation and maintenance. Although the 2017 DEA was retracted by the permittee, the continuation of unauthorized activities and encroachments on the RP parcel and on surrounding State lands is unacceptable. The detail provided in the master list does not disclose any of these issues and thus does not provide the BLNR enough information to properly assess whether to approve this RP or to explore possible enforcement actions, additional conditions, and appropriate rent particularly in light of the highly lucrative private, commercial uses continuously taking place on this parcel. OHA strongly recommends the removal of this RP from presentation to the BLNR until the

aforementioned concerns are thoroughly investigated and addressed, or the provision of a description and discussion of all of the aforementioned concerns in any proposal to reissue the RP.

OHA again asks that RP renewal recommendations also include an indication as to the “ceded” and public land trust status of each parcel. OHA has a substantial stake in the appropriate use and disposition of the State’s “ceded” lands, which were acquired without the consent of the Native Hawaiian people, and most of which are classified as public land trust lands held in trust for the benefit of Native Hawaiians and the public. As the trustee of the “ceded” lands and the public land trust, the BLNR also has a specific fiduciary and moral obligation with respect to the use and disposition of such lands. Accordingly, an indication of the ceded and public land trust status of parcels being recommended for RPs may assist both OHA and the BLNR in applying an appropriate level of scrutiny.

OHA also reiterates its request that RP renewal recommendations include explicit, substantive considerations relevant to the BLNR’s primary, public trust duties to conserve and protect Hawai‘i’s natural and cultural resources. Such duties include the fulfillment of the constitutional mandate that the state “conserve and protect Hawai‘i’s . . . natural resources . . . and shall promote the development and utilization of these resources in a manner consistent with their conservation and in furtherance of the self-sufficiency of the state. All public natural resources are held in trust by the state for the benefit of the people.”<sup>1</sup> The BLNR also holds a constitutional duty to protect cultural resources, as well as the practices which rely upon them.<sup>2</sup>

The draft master list does not provide sufficient information for the Board to make an informed decision on whether to approve renewal of some of the RPs and for OHA and other interested agencies to provide more specific comments on the proposed RP renewals. As requested in past comment letters and testimonies, OHA asks that the RP master list be revised to include the Task Force’s recommendations and additional information that would assist the BLNR in upholding its public trust duties including, the date of the last affirmative review of the permit holder’s compliance with the most recent permit terms; and a discussion of pending challenges to the land uses contemplated under each permit, if applicable.

Mahalo for the opportunity to comment. Should you have any questions, please contact Kamakana Ferreira, OHA Compliance Specialist, at (808) 594-0227 or [kamakanaf@oha.org](mailto:kamakanaf@oha.org).

‘O wau iho nō me ka ‘oia ‘i‘o,



Kamana‘opono M. Crabbe, Ph.D.  
Ka Pouhana, Chief Executive Office

KC:kf

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<sup>1</sup> HAW. CONST. ART. XI SEC. 1

<sup>2</sup> HAW. CONST. ART. XII SEC. 7; Ka Pa‘akai o ka ‘Āina v. Land Use Comm’n, 94 Hawai‘i 31 (2000).