

State of Hawai'i
DEPARTMENT OF LAND AND NATURAL RESOURCES
Division of State Parks
Honolulu, Hawai'i

September 27, 2019

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

Kaua'i

AMEND GENERAL LEASE NO. SP 0118, JOHN KOCHER AND CRYSTAL KOCHER, LOT 7, WAIMEA (KONA), KAUA'I, TAX MAP KEY: (4) 1-4-003:005

THE PURPOSE OF THIS AMENDMENT IS TO CORRECT THE TERMINATION DATE TO READ DECEMBER 31, 2028 AND AMEND THE RE-OPENING DATE. JOHN KOCHER IS TENANT IN SEVERALTY AS THE WIDOWER OF CRYSTAL KOCHER.

APPLICANT:

JOHN KOCHER

LEGAL REFERENCE:

Hawai'i Revised Statutes (HRS) § 171-36 (a) (5), as amended

LOCATION:

Lot 7, Waimea (Kona), Kauai, Tax Map Key: (4) 1-4-003:005, as shown on the attached map labeled Exhibit A.

AREA:

Approximately .81 acres of improved and unpaved land

ZONING:

State Land Use District:	Conservation
County of Kaua'i LUC:	K-4

TRUST LAND STATUS:

Section 5(b) lands of the Hawai'i Admission Act

DHHL 30% entitlement lands pursuant to the Hawai'i State Constitution: YES___ NO X

CHAPTER 343 ENVIRONMENTAL ASSESSMENT:

In accordance with Hawai'i Administrative Rule Sections 11-200-8 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 47 that states "Leases of state land involving negligible or no expansion or change of use beyond that previously existing". See exemption declaration attached as (see EXHIBIT B).

DCCA VERIFICATION:

Applicant is not required to register with DCCA.

CHARACTER OF USE:

Recreational residence

TERM OF LEASE:

20 years, commencement date of January 1, 2009

BACKGROUND:

John Kocher and Crystal Kocher, husband and wife, as tenants in entirety hold General Lease No. SP 0118. Crystal Kocher passed away on February 05, 2018. Upon her death, John Kocher succeeded to the entire ownership interest in the lease. John Kocher requests the lease be amended to reflect his sole interest in the lease.

Lessees have complied with all lease terms and conditions of the lease. Rent, insurance, and performance bond are all current.

Staff notes that the term of the lease is for a period of 20 years commencing January 1, 2009. On the first page of the lease, however, the termination date is listed as December 31, 2029 in error. This would indicate a 21-year lease and is inconsistent with Act 223. Upon consultation with the Department of the Attorney General, a simple amendment can be made to the lease correcting the termination date to read December 31, 2028. Staff recommends this be completed simultaneously with the other documents necessary for the amendment.

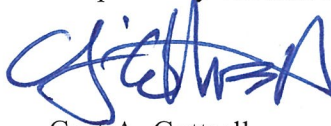
Lessee has not had a lease, permit, easement or other disposition of State lands terminated within the last five (5) years due to non-compliance with such terms and conditions.

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 amendment will probably have minimal or no significant effect on the environment and is therefore exempt from the preparation.
2. Consent to amend named lessee to John Kocher, tenant in severalty
3. That the lease be further amended to correct the termination date to read December 31, 2028;
4. Review and approval by the Department of the Attorney General; and
5. Such other terms and conditions as may be prescribed by the Chairperson or her designee to best serve the interests of the State.

Respectfully submitted,



Curt A. Cottrell
Administrator
Division of State Parks

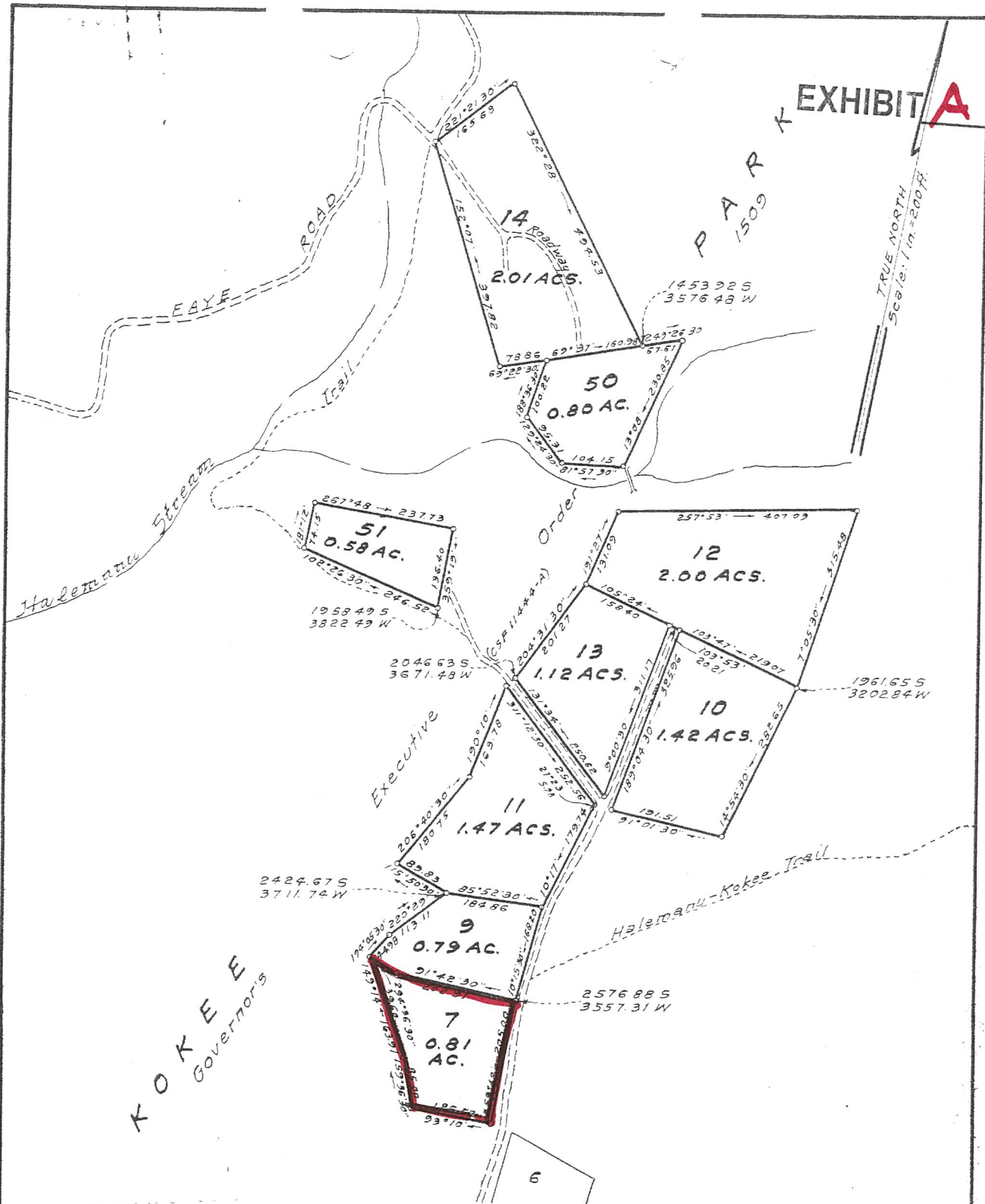
APPROVED FOR SUBMITTAL:



SUZANNE D. CASE
Chairperson
Board of Land and Natural Resources

ATTACHMENTS:

Exhibit A - Location
Exhibit B - Chapter 343 Environmental Assessment



Tax Map
Should be
1-4-03

KOKEE CAMP SITE LOTS
LOTS 7, 9, 10, 11, 12, 13, 14, 50 AND 51
Waimea, (Kona) Kauai, Hawaii.
Scale: 1 inch = 200 feet

JOB K-3626
C. BK

All corners marked with pipes
Coordinates referred to "KOKEE" A

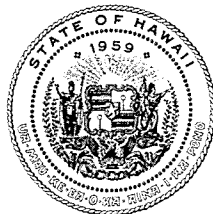
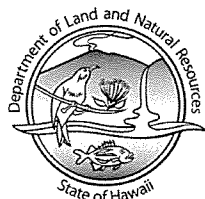
TAX MAP 1-4-04
KAUAI FILE
FOLDER 3

SURVEY DIVISION
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES
STATE OF HAWAII

Sheet 3 of 7 Sheets

14 JAN 2 1966

DAVID Y. IGE
GOVERNOR OF
HAWAII



**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES**

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

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

EXEMPTION NOTIFICATION

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

Project Title:	Amendment to Lease
Project Number:	SP 0118
Project Location:	Waimea (Kona), Kaua'i, Tax Map Key: (4) 1-4-003:005
Project Description:	Amend General Lease
Chap. 343 Trigger(s):	Use of State Land In accordance with the Exemption List for the Department of Land and Natural Resources, approved by the Environmental Council of June 5, 2015, the subject request for amendment to general lease is exempt from the preparation of an environmental assessment pursuant to Exemption Class 1 Item 47, "Leases of State land involving negligible or no expansion or change of use beyond that previously existing."
Cumulative Impact of Planned Successive Actions in Same Place Significant?	No, the requested location has been used for same use since the lease was granted.
Analysis:	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:	Forestry and Wildlife, Historic Preservation have no comments.
Recommendation:	That the Board find this project will have minimal or no significant effect on the environment and is presumed to be exempt from the preparation of an environmental assessment.

EXHIBIT B