

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

January 22, 2021

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

Hawaii

Mutual Cancellation of Revocable Permit No. S-7536 to Wallace Ah Fook Aki for Residential Purposes and Waiver of Phase 1 Environmental Site Assessment, Waiakea, South Hilo, Hawaii, Tax Map Key: (3) 2-1-007:020.

APPLICANT:

Wallace Ah Fook Aki, an individual.

LEGAL REFERENCE:

Section 171-55, Hawaii Revised Statutes (HRS), as amended.

LOCATION:

Portion of Government lands of Ocean View Lease Lots, 2nd series, situated at Waiakea, South Hilo, Hawaii, identified by Tax Map Key: (3) 2-1-007:020, as shown on the attached map labeled Exhibit A.

AREA:

6,997 square feet, more or less.

ZONING:

State Land Use District: Urban
County of Hawaii CZO: MG-1a (General Industrial, min 1 acre)

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act

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

CURRENT USE STATUS:

Revocable permit for residential purposes.

REMARKS:

A lease for the subject property, General Lease No. 3154, was initially sold at public auction on August 29, 1945 to Earl and Evelyn Christian for a term of 21 years commencing on November 18, 1946. The lease required construction of a dwelling at a cost of not less than \$500. Subsequently, two houses were constructed on the property. In late 1962, the lease was assigned to Wallace Ah Fook Aki (the current permittee).

The subject parcel is located along the southern coastline of Hilo Bay between the Banyan Drive peninsula and Hilo Harbor. The property was subject to damages during the 1952 and 1957 tsunamis, but did not receive damage from the 1960 wave.

In early 1966, Mr. Aki requested an extension of the lease as the other leases in the subdivision had been extended to March 2015 by legislative act. His extension was denied as this property did not sustain damage during the 1960 wave and was therefore not eligible for the extension.

At its meeting of January 19, 1962, item F-6, the Board approved a six-month holdover of the lease. The holdover was set to expire on May 17, 1968 and staff was to prepare a proposal for the Board's consideration on the sale of a new lease.

At its meeting of March 8, 1968, item F-5, the Board approved the sale of a new lease at public auction on the subject property for residential purposes.

At its meeting of July 26, 1968, item F-17, the Board approved another six-month holdover of the lease. The additional time was needed for staff to acquire an appraisal and prepare for auction.

At its meeting of March 14, 1969, item F-1, the Board approved the issuance of Revocable Permit No. S-4286 to allow continued occupancy until the public auction process could be completed.

It is unclear what happened next. The only documentation within the files is a memo to file dated February 20, 1998 by Charlene Unoki that states:

"The reason why tmk: (3) 2-7-1-20, encumbered under Revocable Permit #S-4286 is not put to public auction because the existing use is residential and the underlying County zoning is industrial. There will be problems should the tenant ever need to rebuild. Furthermore, all of the neighboring residential leases are to expire March 14, 2015 and these lands, including this subject property are supposedly to be transferred to DOT Harbors Division for the future container yard expansion."

In 2001, the Department of Transportation, Harbors Division (DOTHAR) requested inclusion of the lands of the Ocean View Lease Lots (Baker's Beach) into the Hilo Commercial Harbor upon the expiration of the leases in 2015.

At its meeting of October 23, 2009, item D-12, the Board approved the Statewide re-issuance of revocable permit documents to update the format. This reissuance changed the revocable permit number on this disposition from S-4286 to S-7536.

In a letter dated June 10, 2011, DOTHAR informed DLNR that the Hawaii Island Commercial Harbors 2035 Master Plan was almost complete and identified the need for the Ocean View Lease Lot properties for future expansion of Hilo Harbor. The estimated development window is between 2020 and 2030. They requested that in the interim period (from 2015 to 2020), DLNR would "keep the lots in short term usage only until DOTHAR is ready to secure funding and proceed with its development plans".

There is a pending request from DOTHAR to extend Land Division management of the properties until 2025.

Mr. Aki is now requesting cancellation of the revocable permit due to declining health leading to his inability to maintain the property. He further requests a waiver of the Phase 1 environmental site assessment as the property has been in residential use since he acquired it in 1962 and no hazardous substances have been stored on the property.

Staff is recommending waiver of the Phase 1 site assessment for the reasons stated above and because the property will be part of the larger environmental assessment process during the development stages of the harbor expansion.

Staff is not seeking a new revocable permit for the property due to the poor condition of the structures (i.e., extensive termite damage and leaking roofs. See Exhibit B photos). Staff intends to procure a contractor to seal up the buildings until they can be demolished.

RECOMMENDATION: That the Board:

1. Approve the mutual cancellation of revocable permit no. S-7536; and
2. Waive the requirement for the permittee to perform a Phase 1 environmental site assessment on the subject property.

Respectfully Submitted,

Candace Martin

KEM

Candace Martin
Land Agent

APPROVED FOR SUBMITTAL:

Suzanne D. Case

Suzanne D. Case, Chairperson

RT

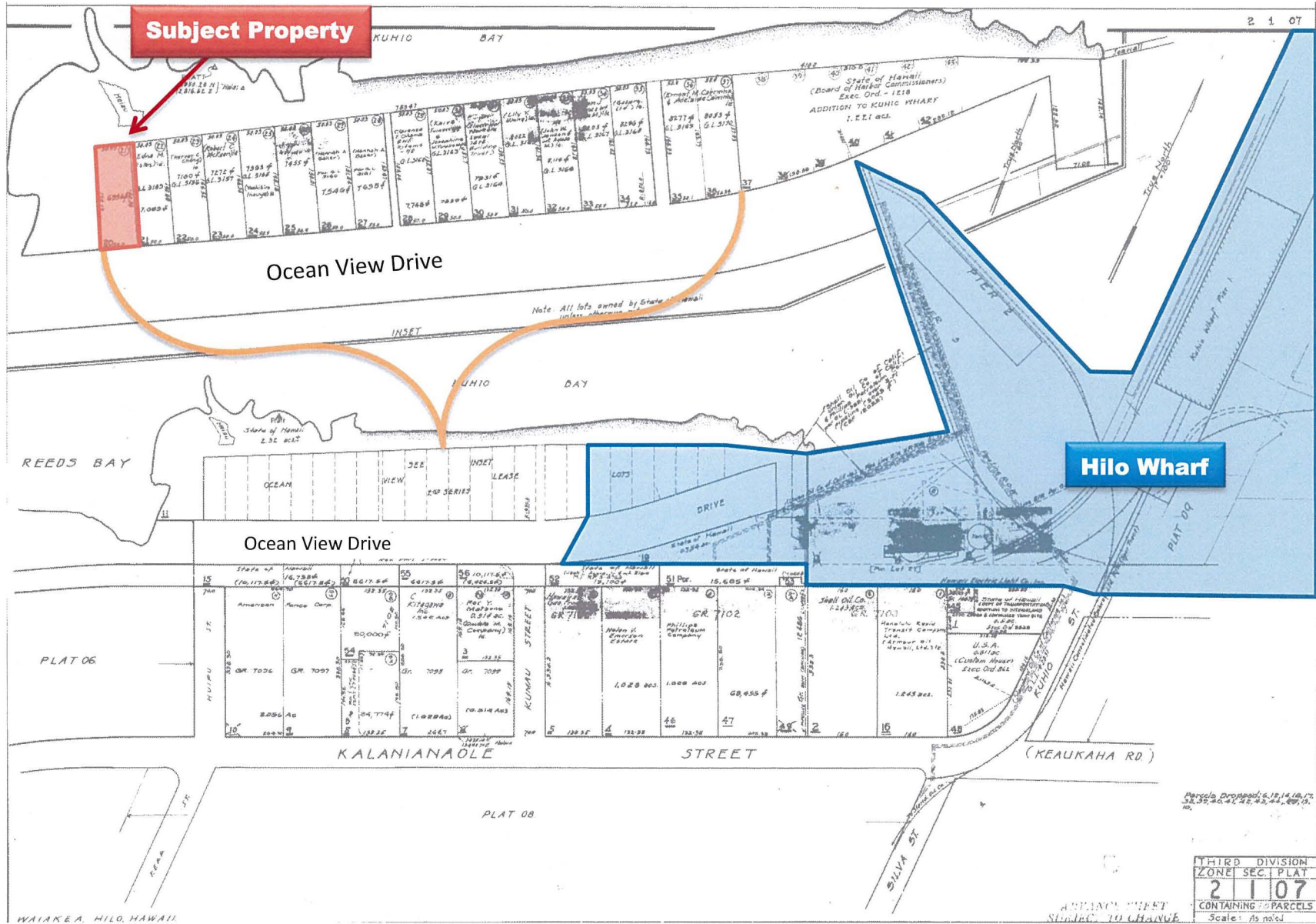


EXHIBIT B



RP-7536

House is sinking in the middle from extensive termite damage. Temporary shoring has been placed, but house is still sagging. See below photos of some of the termite damage.

