

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

May 13, 2022

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

Ref: RP 7851

Oahu

Annual Renewal of Revocable Permit 7851; Jacob Kaleo Hines, Permittee;
Waimanalo, Koolauapoku, Oahu, Tax Map Key: (1) 4-1-018:050.

BACKGROUND:

At its meeting of December 14, 2014, under agenda item D-27, Joseph Hines requested mutual termination of Revocable Permit No. (“RP”) 7629 encumbering the subject parcel upon passing of his wife, the co-permittee. Jacob Kaleo Hines (“Permittee”), grandson of the former permittees, requested issuance of a new RP to him as his family wanted to carry on farming the land. Permittee was planning to live on the subject parcel together with his stepdad, Manny Fernandez,¹ who would assist in maintaining the premises.

The Board authorized the issuance of a new RP to the Permittee subject to the following requirements: (1) demolish the main dwelling and haul away all debris; and (2) consolidate the two smaller structures into one dwelling. Both actions have to be completed within six (6) months of the execution of the new RP. RP7851 commenced on February 1, 2015, which would make the above-mentioned 6-month deadline falling on July 31, 2015. A photo taken on June 3, 2015 indicates the main dwelling was removed, and renovation work was done on the remaining two structures.

During the annual renewal process for all RPs on Oahu in late 2021, Land Division staff received an anonymous complaint for alleged unauthorized subletting. Therefore, the subject RP was not included the Oahu batch renewal for 2022 pending further investigation. A site inspection done in early 2022 confirmed the removal of the main dwelling and debris, but the two smaller structures were still on the premises.

Staff brought the 2014 Board condition to the attention of the Permittee and he decided to remove one of the two smaller structures and keep the other one for himself and his stepdad. Removal of one structure was completed in early March 2022 and debris was cleared from the premises, as confirmed by subsequent visit. There are some fruit trees planted on the

¹ Board minutes in 2014 show the Board was asking deputy AG at the meeting if the requested revocable permit could be issued to both Jacob Hines and Manny Fernandez. The Board was advised that it was beyond the request on the agenda. Staff understands that only Jacob Hines was named in the 2014 agenda.

premises and the premises is well maintained by the Permittee and his stepdad. There are no derelict vehicles or farming machines on the ground.

The alleged subletting is clarified as Mr. Fanny Fernandez did not sublease from his stepson, i.e. the Permittee. With issues clarified, staff places the request for renewal on today's agenda.

Renewal of RP 7851

Staff did not include the subject RP in the Division's annual renewal request for Oahu because staff was conducting inspections and discussing the two smaller structures with the Permittee.

It is true that the 6-month deadline ordered by the Board in 2014 regarding the consolidation of the two structures was not met until recently. However, the Permittee did comply with the terms and conditions of the subject RP upon follow-up by the Division, as evidenced by the latest site inspection.

Current monthly rent for RP 7851 is \$632.50. Staff recommends increasing the monthly rent by the same rate (3%) approved by the Board on most of the RPs in conjunction with the annual renewal for Oahu RPs. The new monthly rent is shown below:

$$\$632.50 \times 1.03 = \$651.48, \text{ say } \$652, \text{ effective from January 1, 2022.}$$

The Permittee is compliance with the terms and conditions of the subject RP. Staff recommends the Board renew the subject RP retroactively from January 1, 2022 through December 31, 2022 at the new monthly rent.

HRS CHAPTER 343 – ENVIRONMENTAL ASSESSMENT:

In accordance with Hawaii Administrative Rules (HAR) §11-200.1-15 and the Exemption List for the Department of Land and Natural Resources reviewed and concurred on by the Environmental Council on November 10, 2020, the subject request is exempt from the preparation of an environmental assessment pursuant to General Exemption Type No. 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" under Part 1, item 44, which states, "permits, licenses, registrations, and rights-of-entry issued by the Department that are routine in nature, involving negligible impacts beyond that previously existing". The request is a de minimis action that will probably have minimal or no significant effect on the environment and should be declared exempt from the preparation of an environmental assessment and the requirements of §11-200.1-17, HAR.

RECOMMENDATION: That the Board:

1. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, Hawaii Revised Statutes, and Chapter 11-200.1, 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 as a de minimis action.
2. Approve the continuation of Revocable Permit No. 7851 at a monthly rent of \$652 on a month-to-month basis effective January 1, 2022 for another one-year period through December 31, 2022; and
3. Reserve and delegate to the Chairperson the right and authority at any time to review and adjust the rental charges for Revocable Permit No. 7851 from and after January 1, 2022, where such adjustments will best serve the interests of the State.

Respectfully Submitted,

Barry Cheung

Barry Cheung
District Land Agent

APPROVED FOR SUBMITTAL:

Suzanne D. Case

Suzanne D. Case, Chairperson

SCM

RT



TMK (1) 4-1-018:050

EXHIBIT A