

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

Oahu

Cancellation of Revocable Permit No. S-7477, Raymond T. Yanagihara, Permittee; Request for Waiver of Requirement for Conducting Phase I Environmental Site Assessment Upon Cancellation of Revocable Permit No. S-7477, Kaneohe, Koolaupoko, Oahu, Tax Map Key: (1) 4-5-006:039.

APPLICANT:

Raymond T. Yanagihara, Widower, as Tenant in Severalty

LEGAL REFERENCE:

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

LOCATION:

Portion of Waikalua-Waho Beach Reserve, situated at Kaneohe, Koolaupoko, Oahu, identified as Tax Map Key: (1) 4-5-006:039, as shown on the attached map labeled **Exhibit A**.<sup>1</sup>

AREA:

3,365 square feet, more or less.

ZONING:

State Land Use District:	Urban
City and County of Honolulu CZO:	R-5, Residential District

---

<sup>1</sup> Research of the files indicated that the concrete steps, walkway and wooden pier (outside of RP premises) shown on the attached map appears to have been installed by the federal government in the 1930's. Recent inspections shows that majority of the concrete steps, walkway and pier no longer exists.

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:

Encumbered by Revocable Permit No. S-7477 issued to Raymond T. Yanagihara, Permittee, for Home Gardening and Maintenance of State Land Purposes.

CHARACTER OF USE:

Home Gardening and Maintenance of State Lands purposes.

MONTHLY RENTAL:

\$41.20 per month, based on the current Board approved rental value for Revocable Permit No. S-7477.<sup>2</sup>

EFFECTIVE CANCELLATION DATE:

February 28, 2022.

DCCA VERIFICATION:

Not applicable. Permittee is not operating a business and, as such is not required to register with DCCA.

REMARKS:

Mr. Yanagihara previously held Revocable Permit S-6326 from February 15, 1986 to December 31, 2009 for home gardening and maintenance of state land purposes. Revocable Permit S-7477 was subsequently issued effective January 1, 2010 for the same purposes pursuant to the Board approval at its meeting of October 23, 2009, under agenda item D-12.<sup>3</sup>

---

<sup>2</sup> At its meeting on November 12, 2021, under Item D-12, the Board approved the Annual Renewal of Revocable Permits on Oahu for 2022. EXHIBIT 2 of the submittal included a Revocable Permit Master Checklist 2021, which recommended that Revocable Permit No. S-7477 rental for 2022 would be \$494.40 annually, a 3% increase over 2021's rental.

<sup>3</sup> The 2009 Board action was to update the relevant terms and conditions of the individual revocable permit, with no changes in the purposes or area.

During a site inspection conducted on August 21, 2021, Mr. Yanagihara's son, Burt Yanagihara, indicated that his father is considering terminating his revocable permit due to his age, which makes it difficult for him to continue utilizing the state land and that the cost of the liability insurance was also becoming a financial burden. In his notification dated January 25, 2022, the Permittee requested to cancel his revocable permit. Mr. Yanagihara's son removed improvements that were placed on the state lands by his father (i.e., wooden boards/corrugated metal used to partition planter box areas, etc.) as confirmed during the final inspection conducted on March 8, 2022. (see **EXHIBIT B**)

Paragraph B.14 of RPS-7477 provides as follows:

Prior to the termination or revocation of the subject Permit, Permittee shall conduct Phase I environmental site assessment and conduct a complete abatement and disposal, if necessary, satisfactory to the standards required by the Federal Environmental Protection Agency, the Department of Health and the DLNR. Failure to comply with the provisions of this paragraph shall not extend the term of this Permit or automatically prevent termination or revocation of the Permit. The Board at its sole option, may refuse to approve termination or revocation unless this evaluation and abatement provision has been performed. In addition, or in the alternative, the Board may, at its sole option if Permittee does not do so, arrange for performance of the provisions of this paragraph, all costs and expenses of such performance to be charged to and paid by permittee.

Based on a review of the files for both the subject revocable permit and Mr. Yanagihara's previous RP S-6326, site inspections have consistently shown no evidence of contamination or hazardous materials on the property, and that permittee has complied with the permitted character of use and restricted operations to the permit premises. Therefore, staff is recommending waiver of the Phase I Environmental Site Assessment requirement.

The Permittee 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.

RECOMMENDATION: That the Board:

1. Waive the Phase I Environmental Site Assessment requirement as detailed on Section B, page 7, paragraph 14, upon cancellation of Revocable Permit No. S-7477.

2. Authorize cancellation of Revocable Permit No. S-7477 to Raymond T. Yanagihara effective February 28, 2022, in the manner specified by law.
3. Authorize the retention of all sums heretofore paid or pledged under Revocable Permit No. S-7477 to be applied to any past due amounts.
4. Terminate Revocable Permit No. S-7477 and all rights of Permittee and all obligations of the State effective February 28, 2022, provided that any and all obligations of the Permittee which have accrued up to said effective date or which are stated in the permit to survive termination shall endure past such termination date until duly fulfilled (except for the Phase I Environmental Site Assessment requirement, which is waived in Recommendation 1 above), and further provided that State reserves all rights and claims allowed by law.

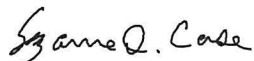
Respectfully Submitted,



---

Patti E. Miyashiro  
Land Agent

APPROVED FOR SUBMITTAL:



---

Suzanne D. Case, Chairperson



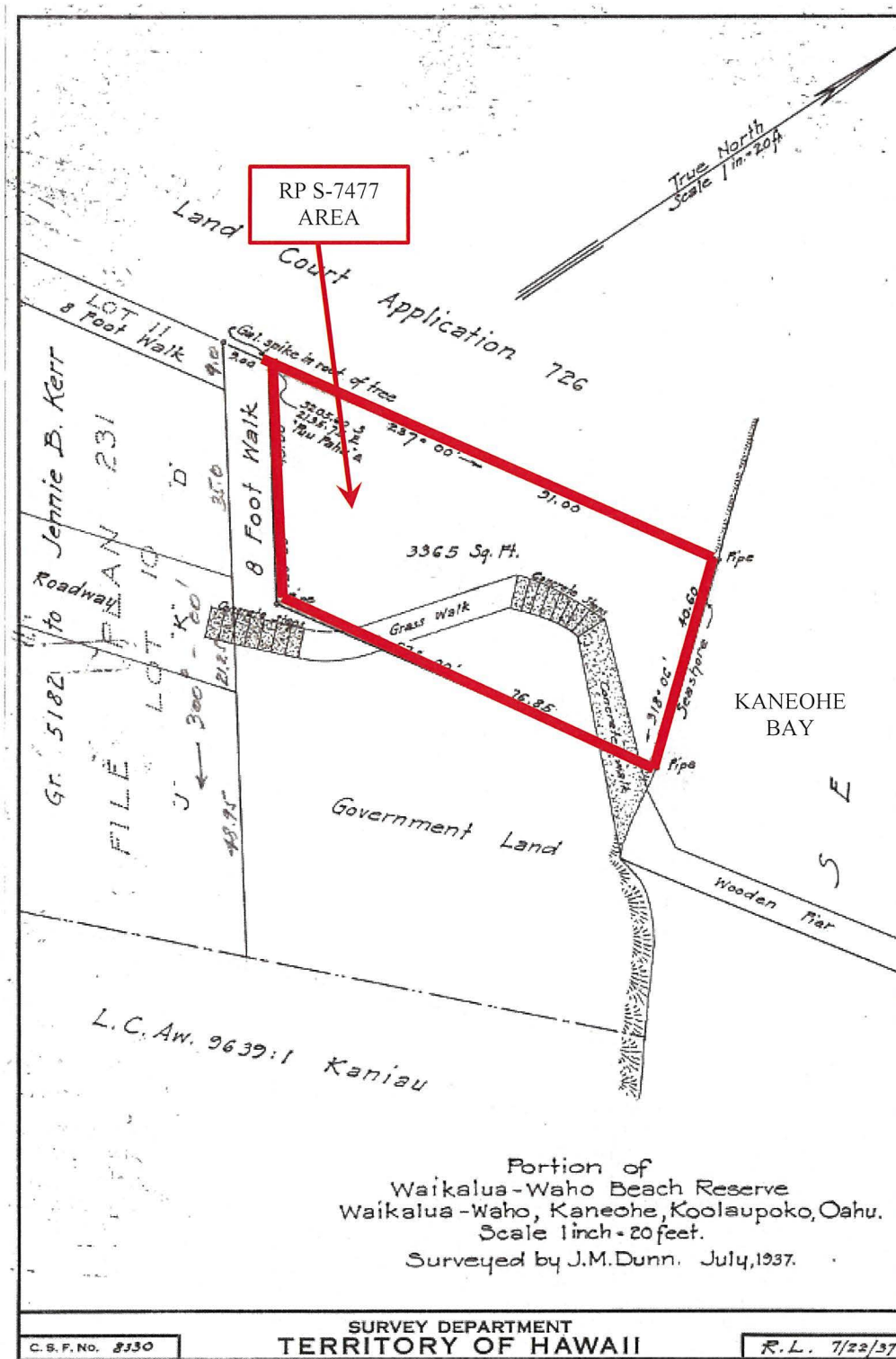


Figure 1: RP area slopes downhill from the road identified as "K" towards Kaneohe Bay.

# EXHIBIT A



Figure 2: Boards/Corrugated Metal for planters – August 21, 2021



Figure 3: Boards/Corrugated Metal Removed – March 8, 2022

## EXHIBIT B