

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

April 26, 2024

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

Ref: GL 5999

OAHU

Consent to the Removal of Trees on the Leased Premises; General Lease No. 5999;  
Honolulu Community Action Program, Inc., Lessee, Honouliuli, Ewa, Oahu; TMK:  
(1) 9-2-005:012.

**BACKGROUND:**

General Lease No. 5999 was issued to Honolulu Community Action Program, Inc. (“HCAP”) solely for preschool and related programs and administrative services purposes. The 65-year lease commenced on October 1, 2011 and expires on September 30, 2076.

Recently, staff received a request from HCAP asking for permission to remove one (1) Formosan koa tree as it is damaging the roadway of the school grounds. Due to the close proximity of the subject tree to one of the buildings, safety is another concern to the tenant. **Exhibit A** shows the approximate location of the subject tree and the nearby building. In addition, photos taken of the tree during a site visit on March 12, 2024 are attached as **Exhibit B**.

HCAP has not settled on a final plan for the area currently occupied by the tree upon its removal, if approved today. At the time of writing this submittal, options include re-planting the area or making improvements to the roadway.

In the subject lease, Condition 6, Waste and unlawful, improper or offensive use of premises stipulates, “[t]he Lessee shall not ... without the prior written consent of the Lessor, cut down, remove or destroy ... any trees now growing on the premises”.

Staff believes that the request is appropriate and consistent with responsible maintenance practices of the leased premises to minimize any potential safety issues. Staff did not solicit comments from other agencies and brings the request to today’s agenda seeking Board consent to the removal project, pursuant to the above-mentioned condition 6.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with Hawaii Administrative Rules ("HAR")§ 11-200.1-15 and -16 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 1, Part 1, that states, "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," Item 1, that states "Removal of boulders, rocks, and hazardous trees, marine debris, and other similar hazards necessary to maintain lands and waters in a safe condition". The subject request is a de minimis action that will probably have minimal or no significant effect on the environmental 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, HRS, and Chapter 11-200.1-15 and -16, 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 activity.
2. Consent to the tree removal work on the subject premises as described above.

Respectfully Submitted,

*Barry Cheung*

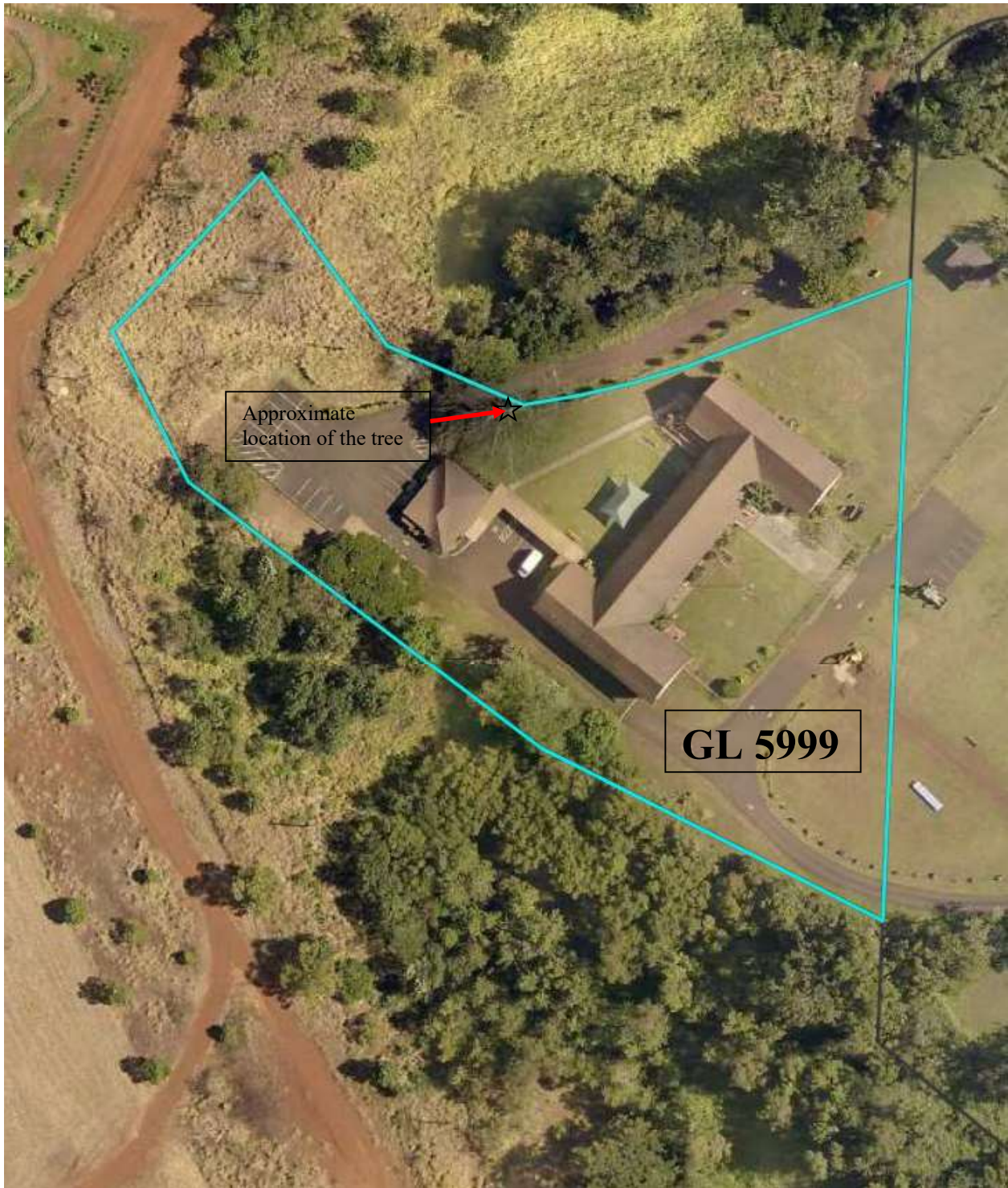
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Barry Cheung  
District Land Agent

APPROVED FOR SUBMITTAL:



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Dawn N. S. Chang, Chairperson *KEM*

*RT*

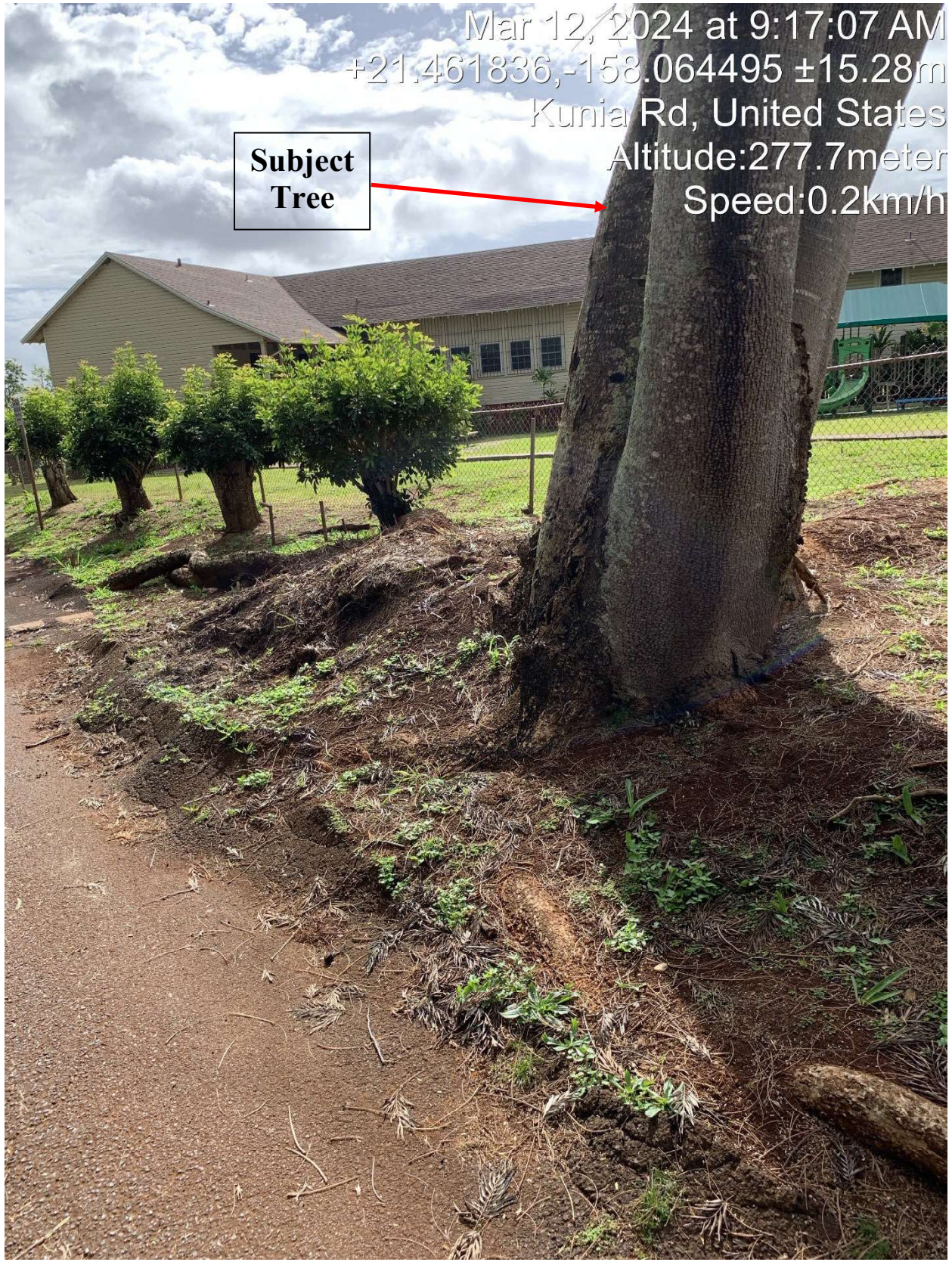


**(1) 9-2-005:012**

**EXHIBIT A**



**EXHIBIT B**



Mar 12, 2024 at 9:17:07 AM  
+21.461836, -158.064495 ±15.28m  
Kunia Rd, United States  
Altitude: 277.7 meter  
Speed: 0.2 km/h

**Subject  
Tree**