

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

January 10, 2025

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

Ref. No.: RPS-7302
PSF #24KD-129

Kauai

Cancellation of Revocable Permit No. S-7302, Franklin M. Contrades, Jr. and Patricia Contrades; Waiver of Phase I Environmental Site Assessment; Issuance of New Revocable Permit to Carla Contrades-Barrett, Chatson Barrett and Kawaiola Barrett for Home Garden Purposes, Anahola Lots & Kuleanas, Kawaihau, Kauai, Tax Map Key: (4) 4-8-008: 002.

APPLICANTS:

For cancellation of Revocable Permit No. S-7302: Franklin M. Contrades, Jr. and Patricia Contrades.

For issuance of new Revocable Permit: Carla Contrades-Barrett, Chatson Barrett and Kawaiola Barrett, tenants in common.

LEGAL REFERENCE:

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

LOCATION:

Portion of Government Lands situated at Anahola Lots & Kuleanas, Kawaihau, Kauai, identified by Tax Map Key (TMK): (4) 4-8-008: 002. See attached map labeled Exhibit A.

AREA:

0.344 acre, more or less.

ZONING:

State Land Use District: Urban
County of Hawaii CZO: Residential

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 (RP) No. S-7302 Franklin M. Contrades, Jr. and Patricia Contrades, Permittees, for Home Garden purposes.

COMMENCEMENT DATE:

The first day of the month to be determined by the Chairperson.

MONTHLY RENTAL FOR NEW REVOCABLE PERMIT:

Monthly installments of \$45.02, which is the rent the Board approved for RP No. S-7302 to Franklin M. Contrades, Jr. and Patricia Contrades for 2025 prior to staff's receipt of the request for cancellation. See Board action of August 9, 2024, under agenda Item D-1. Staff therefore proposes the same rent for the new RP on this land.

COLLATERAL SECURITY DEPOSIT:

Twice the monthly rental.

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 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," and Part 1, Item 44 that 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 proposed revocable permit and the activities under it are 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.

DCCA VERIFICATION FOR REVOCABLE PERMIT:

As individuals, Applicants are not required to register with DCCA.

JUSTIFICATION FOR REVOCABLE PERMIT:

At this time, staff believes that a month-to-month RP for home garden purposes is the appropriate disposition given the present situation of this premises. Carla Contrades already has been maintaining the parcel for her parents Franklin M. Contrades, Jr. and Patricia Contrades who are the current RP holders of the parcel. No other parties have expressed interest in acquiring a long-term disposition for this parcel. Furthermore, this parcel is zoned Residential and the Department is not issuing residential RPs for unimproved lands in its inventory. The Kauai District Land Office will contact the County of Kauai to determine if the County has any interest in receiving a Governor's executive order for the land for its housing program.

REMARKS:

The subject Government land designated as TMK No. (4) 4-8-008: 002 is encumbered under Revocable Permit (RP) S-7302 issued for Home Garden purposes from July 1, 2002 until present.

On November 16, 2001, under agenda item D-6, the Board of Land and Natural Resources (Board) approved the issuance of revocable permit to Franklin M. Jr. and Patricia Contrades at which time RP S-7302 was issued. The Board has renewed it annually ever since.

By letter received on August 29, 2024, Franklin M. Contrades, Jr. and Patricia Contrades notified the Kauai District Land Office that they wish to cancel RP S-7302 and requested the issuance of a new RP to their daughter Carla Contrades-Barrett and her sons Chatson Barrett and Kawaiola Barrett for the continued use of the land. See Attached Exhibit B.

Paragraph 14 of RP S-7302 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.

During staff's site inspection on December 18, 2024, staff observed no evidence of the use of hazardous materials or oil-staining on the premises. See Attached Exhibit C. The property consists of a landscaped and maintained lot and upon inspection, it appeared to adhere to such use, so staff is therefore recommending waiver of the Level One (1) Hazardous Waste Evaluation requirement.

Applicant Carla Contrades-Barrett applied for use of the premises for landscaping and maintenance purposes on September 3, 2024 along with her two sons, Chatson Barrett and Kawaiola Barrett. She is the daughter of Franklin M. Contrades, Jr. and Patricia Contrades so staff believes the issuance of a new revocable permit is appropriate since Carla Contrades-Barrett has already been maintaining the land on behalf of her parents.

Neither Carla Contrades-Barrett, Chatson Barrett or Kawaiola Barrett have 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.

The proposed use has continued since July 1, 2002 and is anticipated to continue. Such use has resulted in no known significant impacts, whether immediate or cumulative, to the natural, environmental and/or cultural resources in the area and should be considered a de minimis action.

There are no other applicants requesting the same parcel.

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, 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. Authorize the cancellation of Revocable Permit No. S-7302 to Franklin M. Contrades, Jr. and Patricia Contrades, Permittee, covering the subject area under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:
 - a. Effective upon a date to be determined by the Chairperson; and
 - b. The Level One (1) Hazardous Waste Evaluation required under section 14 of the permit shall be waived.


3. Based on the testimony and facts presented, find that approving the revocable permit, under the conditions and rent forth herein, would serve the best interest of the State.
4. Authorize the issuance of a revocable permit to Carla Contrades-Barrett, Chatson Barrett and Kawaiola Barrett covering the subject area for home garden purposes under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:
 - a. The standard terms and conditions of the most current revocable permit form, as may be amended from time to time;
 - b. Review and approval by the Department of the Attorney General; and
 - c. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,

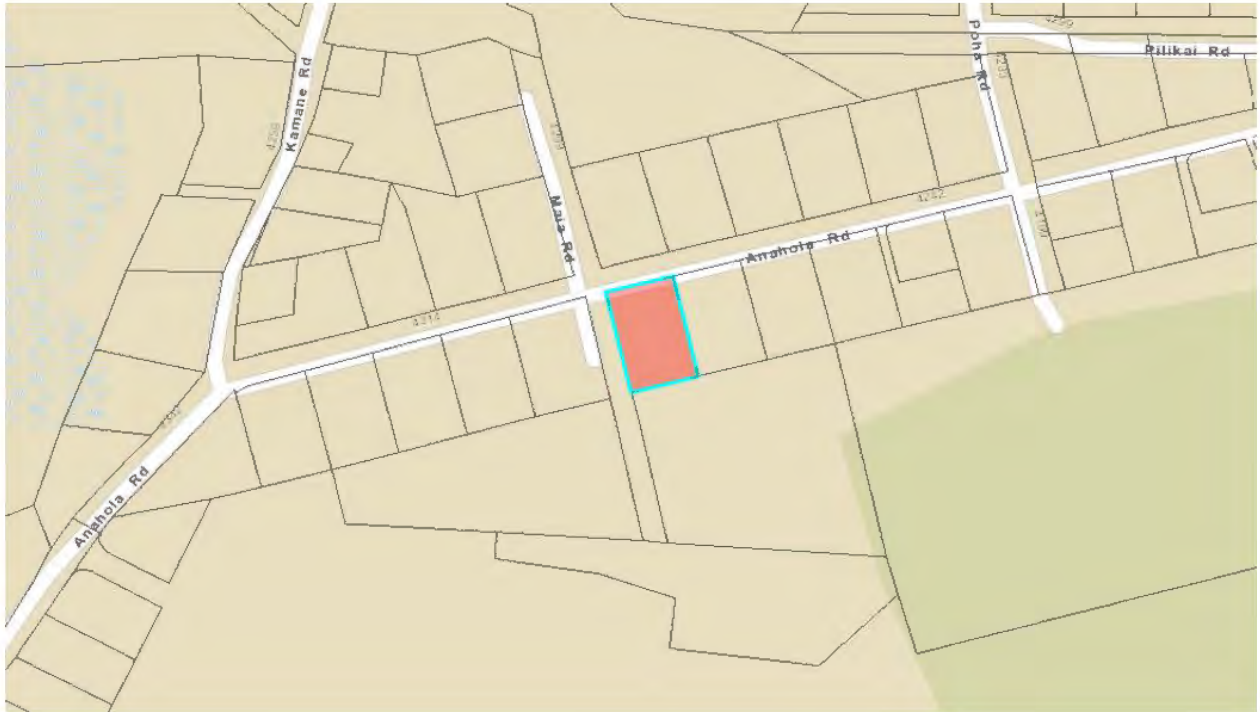


Reynold Lee
Land Agent

~~APPROVED~~ APPROVED FOR SUBMITTAL:



Dawn N. S. Chang, Chairperson



Subject Property

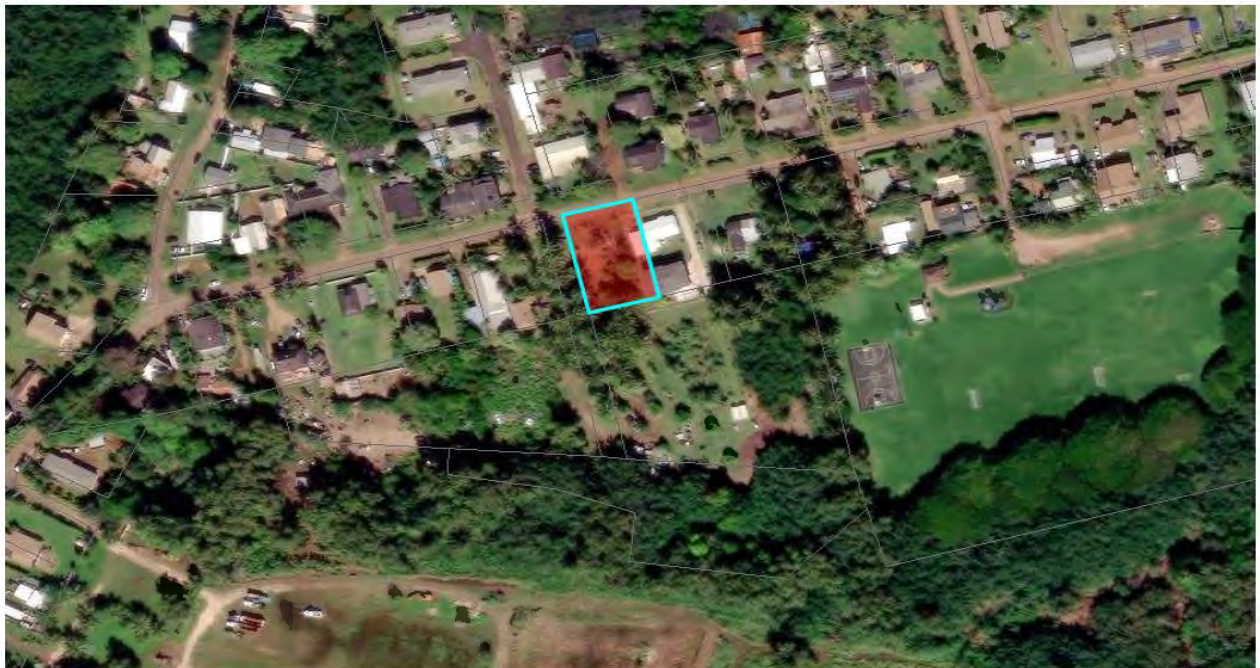


Exhibit A

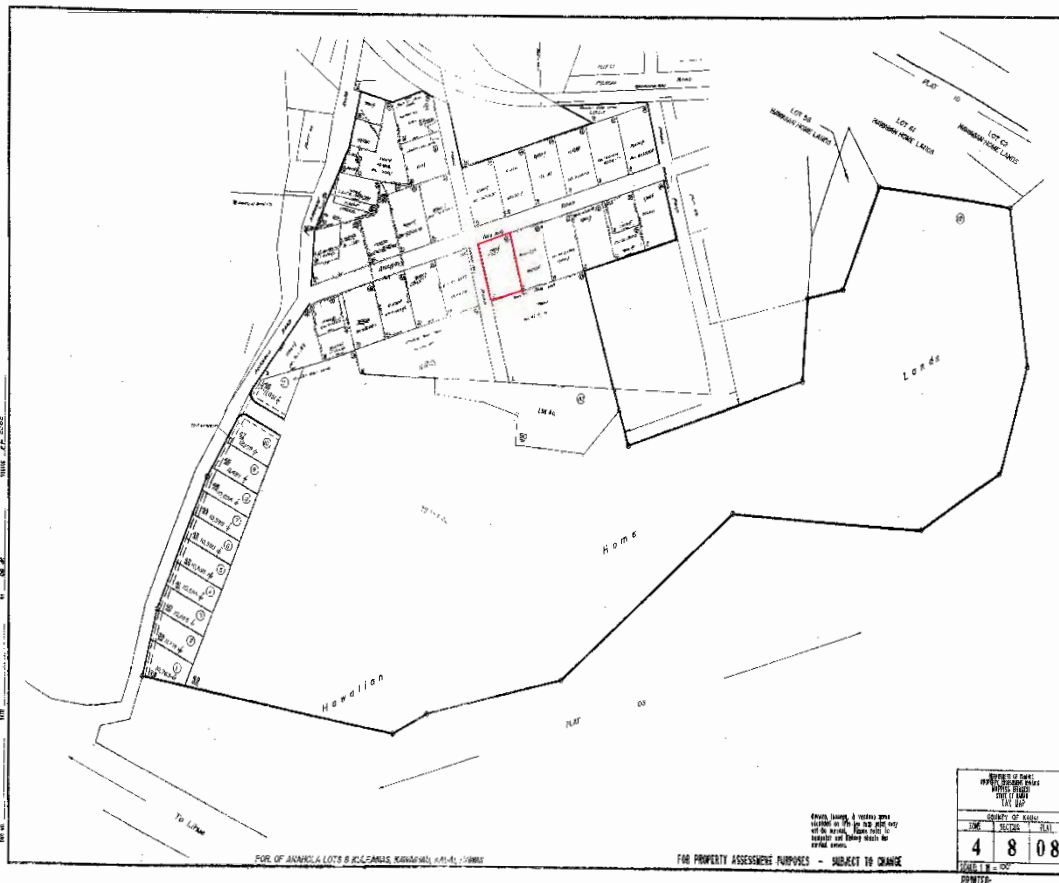


Exhibit A

Carla Dianna Keahionaalii Contrades-Barrett

08/29/2024

12:38 p.m.

Aloha Department of Land and Natural Resources of Kaua'i County

I (*Franklin M. Contrades Jr.*) along
with my wife (*Patricia Violet Kuinionalani Smith-Contrades*)

request to cancel my lease of month to month with the Department of Land and Natural
Resources for the lot property at (*Anahola Rd* [redacted])
TMK (*RP4-8-005-002-0000-002*)

I would like to request the lease be transferred over to my daughter Carla Dianna
Keahionaalii Contrades-Barrett.

Mahalo nui a me ke aloha

Print: Franklin Manoiki Contrades jr. *8/29/24*
Signature: *Franklin Manoiki Contrades Jr.* Date: *8/29/24*

Print: Patricia Violet Kuinionalani Smith- Contrades
Signature: *Patricia Violet Kuinionalani Smith-Contrades* Date: *8/29/24*

Print: Carla Dianna Keahionaalii Contrades-Barrett
Signature: *Carla Dianna Keahionaalii Contrades-Barrett* Date: *8/29/24*

Exhibit B

State of Hawai'i
 DLNR, Land Division

INSPECTION REPORT
 Commercial/Industrial/Resort/Other Business

General Information

Document Number: GLS _____ or RPS 7302
 Inspection Date: 12/18/24 Inspection Time: 11:30 A.M.

Character of Use Home Garden
 Land Agent: Reynold Lee

TENANT INFORMATION

Name: Franklin M. Contrades and Patricia Contrades

Home Phone: _____

Address: _____ Kapaa, HI. 96746

Business Phone: _____

Fax: _____

Contact Person: Carla Contrades

Contact Phone: _____

SITE INFORMATION

TMK: (4) 4-8-008:002

Area: 0.344 acre, more or less

Site Address: _____ Anahola, HI. 96703

FISCAL INFORMATION

ITEM	N/A	CURRENT= COMPLIANCE	DEFAULT = NON-COMPLIANCE	COMMENTS
Rent			X	Mailing address needed to change. Full balance to be mailed in on 12/19/24.
Liability Insurance		X		
Fire Insurance	X			
Bond				

FIELD INSPECTION RESULTS (refer to Field Inspection Worksheet)

ITEM	N/A	COMPLIANCE	NONCOMPLIANCE	COMMENTS
Subleases	X			
Improvements	X			
Premises		X		
Character of Use		X		Home Garden

State of Hawai'i
 DLNR, Land Division

Field Inspection Worksheet
Commercial/Industrial/Resort/Other Business

File Review

LICENSES/PERMITS/CONSENTS

ITEM	DLNR Approval Docs in File			COMMENTS/NOTES/LISTS
	N/A	YES	NO	
Subletting	x			attach copy of list or map if applicable
Improvement Construction Buildings	x			note deadlines for % completion
Improvement Construction Other structures/misc.	x			note deadlines for % completion

Field Inspection

ITEM	SATISFACTORY?			COMMENTS/NOTES
	N/A	YES	NO	
SUBLEASES	x			
Consents approved				
Use adheres to lease purpose		x		
IMPROVEMENTS	x			
<u>Buildings/Residences:</u> roof				
paint	x			
exterior	x			
interior	x			
<u>Structures:</u> roads	x			
walkways	x			
fencelines	x			
others				

ITEM	SATISFACTORY?			COMMENTS/NOTES
	N/A	YES	NO	
PREMISES clean, sanitary, orderly		x		
appropriate storage/use of hazardous materials	x			
CHARACTER OF USE adheres to lease purpose		x		

Exhibit C



Exhibit C