

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

February 26, 2016

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

KAUAI

Amend Prior Board Action of October 14, 2010, Item D-3, Cancellation of Revocable Permit S-7176 Bernadine A. Soares, Widow, and Issuance of Revocable Permit to Bernadine A. Soares and Bernadette Uyesono for Storage and Landscaping Purposes, Kapaa, Kawaihau, Kauai, Tax Map Key: (4) 4-5-015:037. The purpose of the amendment is to correct the Tax Map Key to (4) 4-5-015:045 por.

BACKGROUND:

At its meeting of October 14, 2010, Item D-3, the Board of Land and Natural Resources approved Cancellation of Revocable Permit S-7176 to Bernadine A. Soares, Widow, and Issuance of Revocable Permit to Bernadine A. Soares and Bernadette Uyesono for Storage and Landscaping purposes.

Revocable Permit S-7641 was issued to Bernadine A. Soares and Bernadette Uyesono on March 1, 2011. The Tax Map Key on the Board Submittal for Revocable Permit S-7641 was listed as (4) 4-5-015:037; please see Exhibit A. However, the Tax Map Key on the appraisal and exemption notification, for Revocable Permit S-7641, was listed as (4) 4-5-015:045 por.

REMARKS:

On December 28, 2015, Bernadine A. Soares inquired about purchasing the parcel she uses under Revocable Permit S-7641. Staff determined that the parcel was too large to qualify as a remnant parcel. Therefore, it was ineligible to be sold to Bernadine A. Soares.

While researching the parcel documents, staff discovered that an error had been made in the prior Board submittal for Revocable Permit S-7641, which was carried over into the permit itself. Bernadine A. Soares's permitted parcel was supposed to be a portion of Tax Map Key (4) 4-5-015:045, and not (4) 4-5-015:037. Please See Exhibit B and Exhibit C, which indicate that that

the original rental appraisal and exemption notification for Revocable Permit S-7641, was intended for Tax Map Key (4) 4-5-015:045. Also see Exhibit D, which shows that Tax Map Key (4) 4-5-015:045 is the adjacent parcel to Bernadine A. Soares' house.

Despite this error in tax map keys, the permittee has been using the correct parcel, Tax Map Key (4) 4-5-015:045 por. Staff recommends that the error be corrected in the prior Board action and in the permit.

RECOMMENDATION: That the Board:


1. Amend its prior Board action of October 14, 2010, under agenda item D-3 by changing the Tax Map Key number of Revocable Permit S-7641 from (4) 4-5-015:037 to (4) 4-5-015:045 por.
2. All terms and conditions listed in its October 14, 2010 approval to remain the same.

Respectfully Submitted,



Kurt Yasutake  
Land Agent

APPROVED FOR SUBMITTAL:

  
Suzanne D. Case, Chairperson

D-3

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

October 14, 2010

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

PSF No.: 10KD-073

Kauai

Cancellation of Revocable Permit S-7176 to Bernadine A. Soares, Widow and Issuance of Revocable Permit to Bernadine A. Soares and Bernadette Uyesono for Storage and Landscaping Purposes, Kapaa, Kawaihau, Kauai, Tax Map Key: (4) 4-5-15: portion 37.

APPLICANT:

Bernadine A. Soares and Bernadette Uyesono, joint Venture,

LEGAL REFERENCE:

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

LOCATION:

Portion of Government lands of Kapaa situated at Kapaa, Kawaihau, Kauai, identified by Tax Map Key: (4) 4-5-15: portion 37, as shown on the attached map labeled Exhibit A.

AREA:

0.115 acres, more or less.

ZONING:

State Land Use District: Urban  
County of Kauai CZO: Open

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act

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

APPROVED BY THE BOARD OF  
LAND AND NATURAL RESOURCES  
AT ITS MEETING HELD ON

October 14, 2010 *DL*

D-3

**Exhibit A**

CURRENT USE STATUS:

Encumbered by Revocable Permit No. S-7176, Bernadine A Soares, Widow, Permittee, for storage and landscaping purposes.

CHARACTER OF USE:

Storage and landscaping purposes.

COMMENCEMENT DATE:

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

MONTHLY RENTAL:

\$40.00 per month, based on staff appraisal dated September 3, 2010, attached as Exhibit B.

COLLATERAL SECURITY DEPOSIT:

Twice the monthly rental.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with Hawaii Administrative Rules Section 11-200-8(a)(1)(4) and the Exemption List for the Department of Land and Natural Resources approved by the Environmental Council and dated December 4, 1991, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 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 Class No. 4, that states "Minor alteration in the conditions of land, water or vegetation", as included in Exhibit B.

DCCA VERIFICATION:

Place of business registration confirmed: NA  
Registered business name confirmed: NA  
Applicant in good standing confirmed: NA

Applicant is landowner and, as such, is not required to register with DCCA,

REMARKS:

Revocable Permit No. S-5528 to Bernadine Soares was issued on February 1, 1978 with an area of 6,000 square feet for storage purposes. The Board at its September 11, 1998 meeting under Item D-3 approved the amendment of Revocable Permit No. S-5528 to reflect a change in the area under the permit from 6,000 for storage purposes to 12,516 square feet for storage and landscaping purposes. Revocable Permit No. S-7176 to Bernadine A Soares, was issued on September 11, 1998. Monthly rent was \$28.00.

Ms. Bernadine A Soares has done an outstandingly awesome job maintaining the area covered under RP S-7176. Because of her age she has requested that the area be reduced to just the area located directly behind her fee owned property, Tax Map Key No. (4) 4-5-014:003. The new area will be approximately 72 feet by 70 feet. The reduced area will be easier to maintain. She also requested that her daughter Bernadette Uyesono be on the new revocable permit.

Applicant 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.

Because this is a portion of a 2.40-acre parcel, a long-term lease would require this parcel to be subdivided. Therefore a month-to-month tenancy is more appropriate than a long-term disposition.

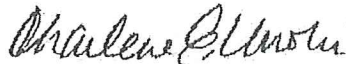
This request is basically to add Bernadine daughter on to the revocable permit reduction in area. The character of use, "for storage and landscaping" has continued since 1978 till present day and will continue. The use has no significant impact to the natural environment of this area.

RECOMMENDATION: That the Board:

1. Authorize the cancellation of Revocable Permit S-7176.
2. Authorize the issuance of a revocable permit to Bernadine A. Soares and Bernadette Uyesono covering the subject area for storage and landscaping 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.

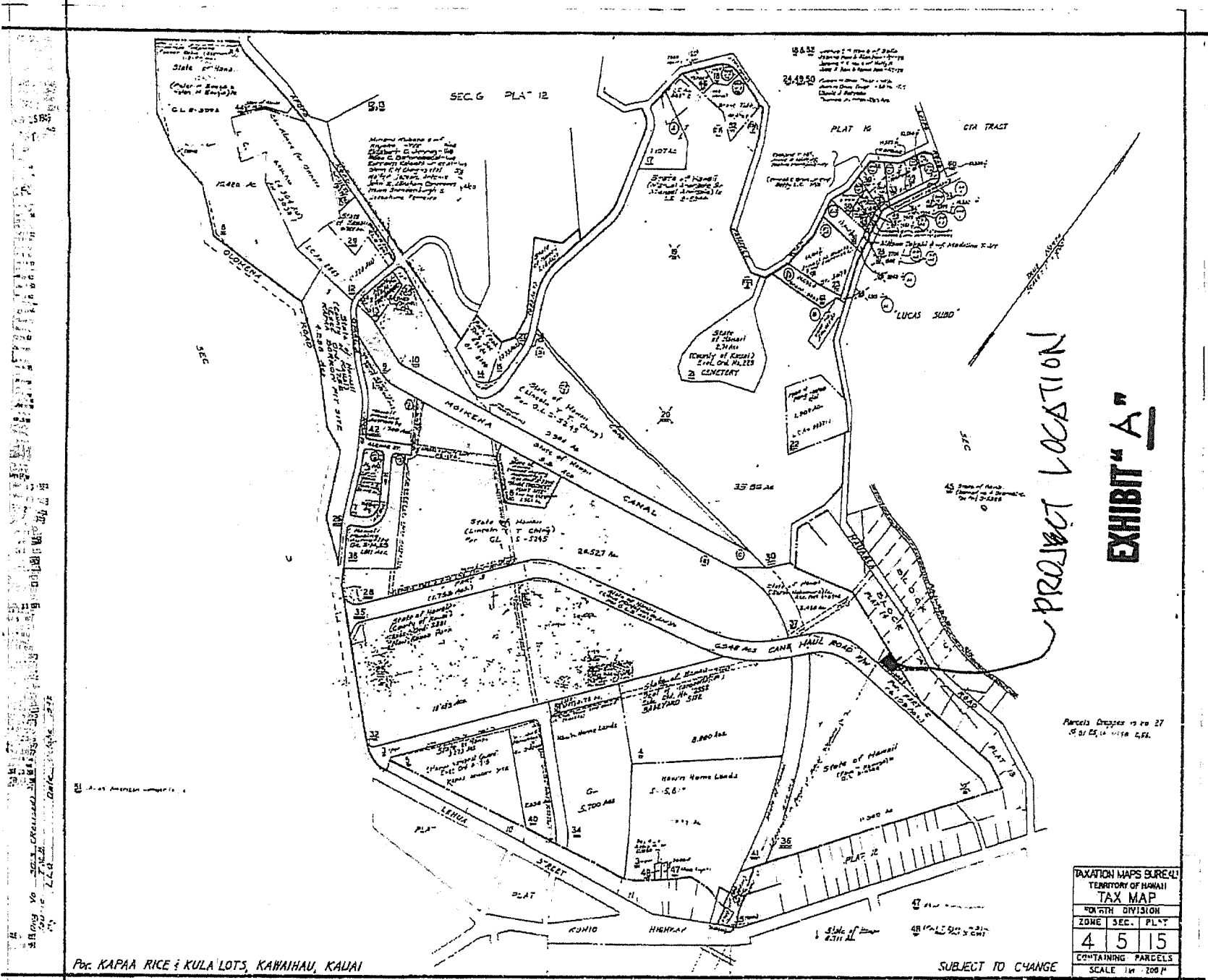
Respectfully Submitted,



*for* Tommy Oi  
District Land Agent

APPROVED FOR SUBMITTAL:

  
\_\_\_\_\_  
Laura H. Thielen, Chairperson



PROJECT LOCATION

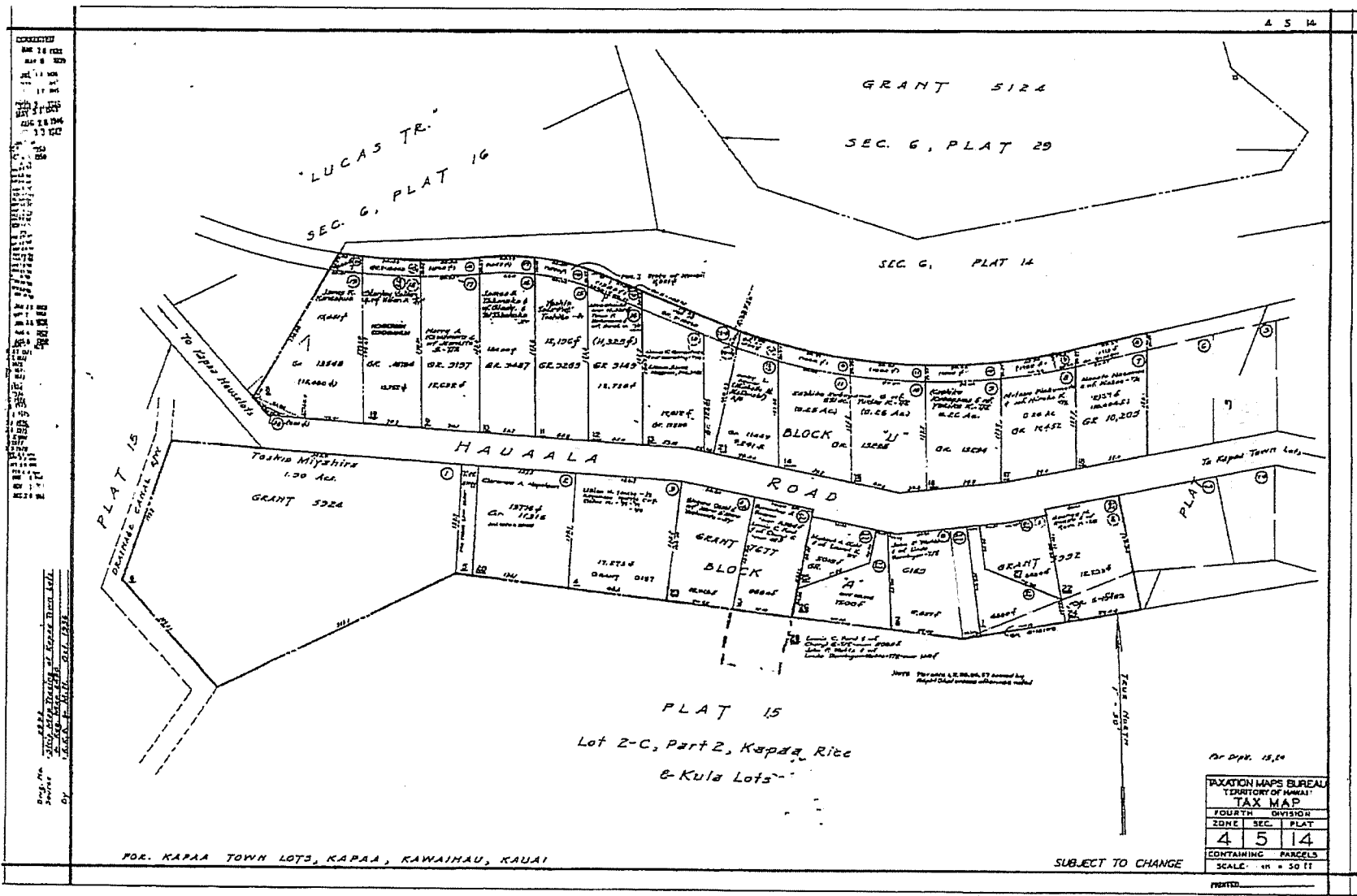
**EXHIBIT "A"**

Parcels Shaded in red 27  
 State of Hawaii 1978

FOR KAPAA RICE & KULA LOTS, KAWAIIHAWA, KAUAI

SUBJECT TO CHANGE

|                      |      |      |  |
|----------------------|------|------|--|
| TAXATION MAPS BUREAU |      |      |  |
| TERRITORY OF HAWAII  |      |      |  |
| TAX MAP              |      |      |  |
| FOURTH DIVISION      |      |      |  |
| ZONE                 | SEC. | PLAT |  |
| 4                    | 5    | 15   |  |
| CONTAINING PARCELS   |      |      |  |
| SCALE 1" = 200' P    |      |      |  |



DEPARTMENT OF LAND AND NATURAL RESOURCES  
 TERRITORY OF HAWAII  
 DIVISION OF LAND MANAGEMENT  
 1500 KALANIAN'OLUHUI DRIVE, HONOLULU, HAWAII 96813  
 DATE: 11/11/11  
 BY: [Signature]  
 FOR: [Signature]

PDR. KAPAA TOWN LOTS, KAPAA, KAWAIIHAU, KAUAI

SUBJECT TO CHANGE

OF 07/11/11

|                      |         |      |
|----------------------|---------|------|
| TAXATION MAPS BUREAU |         |      |
| TERRITORY OF HAWAII  |         |      |
| TAX MAP              |         |      |
| FOURTH               | SECTION | PLAT |
| 4                    | 5       | 14   |
| CONTAINING PARCELS   |         |      |
| SCALE: 1" = 50 FT    |         |      |
| PRINTED              |         |      |



LINDA LINGLE  
GOVERNOR OF HAWAII



Laura H. Thielen  
Chairperson  
Department of Land and Natural Resources  
Commission on Water Resource Management

COPY



STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
LAND DIVISION

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

August 31, 2010

TO: Central  
FROM: KDLO  
No.: 10KD-073

MEMORANDUM

TO: Laura H. Thielen, Chairperson  
THROUGH: Morris M. Atta, Acting Administrator  
FROM: Cyrus C. Chen, Real Estate Appraisal Manager  
SUBJECT: In-House Valuation Recommendation Revocable Permit for Landscaping and Storage Purposes

PSF No.: 10KD-073  
Applicant: Bernadine A. Soares & Bernadette Uyesono  
Location: Kapaa, Kawaihau, Kauai  
Land Area: 0.115 acres approximately (5,000 sq. ft.)  
Tax Map Key: (4) 4-5-15: 45 por.  
Char. of Use: Storage & Landscaping

We have been requested to provide a monthly rent amount for the issuance of a revocable permit for storage and landscaping purposes on the above-referenced property. This rent amount will be included in staff's submittal to the Board for approval of this permit and will not be effective unless such approval is received.

Subject is currently encumbered by RP S-7176 to Bernadine Soares (widow) for a monthly rent of \$32. This permit is to be cancelled upon approval of a new permit to the applicants. The area under the pending new permit is requested to be 5,000 sq. ft., a reduction of area from 12,516 sq. ft. for RP S-7176.

Based on recent permits issued for similar use and size on Kauai, we calculate the monthly rent as follows:

| <u>Doc. No.</u> | <u>Rent</u> | <u>Usable Acreage</u> | <u>\$/Acre</u> |
|-----------------|-------------|-----------------------|----------------|
| RP No. S-7338   | \$77        | 0.27                  | \$285.19       |
| RP No. S-7418   | \$88        | 0.281                 | \$313.17       |
| Average         |             |                       | \$299.18       |

EXHIBIT "B"

Exhibit B



**STATE OF HAWAII**  
**DEPARTMENT OF LAND AND NATURAL RESOURCES**  
**LAND DIVISION**

POST OFFICE BOX 621  
HONOLULU HAWAII 96809

September 10, 2010

**EXEMPTION NOTIFICATION**

Regarding the preparation of an environmental assessment pursuant to Chapter 343, HRS and Chapter 11-200, IAR

**Project Title:** Cancellation of Revocable Permit S-7176 to Bernadine A. Soares, Widow and Issuance of Revocable Permit to Bernadine A. Soares and Bernadette Uyesono for Storage and Landscaping Purposes

**Project / Reference No.:** PSF: 10KD-073

**Project Location:** Kapaa, Kawaihau, Kauai, Tax Map Key: (4) 4-5-15: portion 45

**Project Description:** Issuance of Revocable Permit to Bernadine A. Soares and Bernadette Uyesono

**Chap. 343 Trigger(s):** Use of State Lands Through a Revocable Permit

**Exemption Class No. and Description:** #1

In accordance with the Division of Land Management Environmental Impact Statement Exemption List, approved by the Environmental Council and dated April 28, 1986, the subject project is considered to be exempt from the preparation of an environmental assessment pursuant to Exemption Class No.1, that states: "Operations, repairs, or maintenance of existing structures, facilities, equipment of topographical features, involving negligible of no expansion of change of use beyond that previously existing".

Exemption Notification for \_\_\_\_\_

Date

Page 2

This request is basically to add Bernadine daughter on to the revocable permit reduction in area. The charter of use, "for storage and landscaping" has continued since 1978 till present day and will continue. The use has no significant impact to the natural environment of this area.

Recommendation:

It is anticipated this project will probably have minimal or no significant effect on the environment and is presumed to be exempt from the preparation of an environmental assessment.

\_\_\_\_\_  
Laura H. Thiele, Chairperson

\_\_\_\_\_  
Date

**(4) 4-5-015:037**  
Parcel on Record

**(4) 4-5-015:045**

**Bernadine Soares  
Residence**

Parcel in Use

Hauaala Rd

Hauaala Rd

Cane Haul Rd

5800

5800

