

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

January 13, 2012

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

KAUAI

Issuance of Revocable Permit to Jundale U. Hashimoto for Residential Use, Anini, Hanalei, Kauai, Tax Map Key No.: (4) 5-3-007:005 and Amend Prior Board Action of January 23, 2009, Agenda Item D-1, Re-Submittal Forfeiture of Revocable Permit No. S-6040, John K. Hashimoto and Junedale U. Hashimoto, Permittee, Anini, Kauai Tax Map Key: (4) 5-3-007:005.

APPLICANT:

Junedale U. Hashimoto

LEGAL REFERENCE:

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

LOCATION:

Portion of Government lands of Anini situated at Hanalei, Kauai, identified by Tax Map Key: (4) 5-3-007:005, as shown on the attached map labeled Exhibit A.

AREA:

1.735 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 x

CURRENT USE STATUS:

Encumbered by Revocable Permit No. S-6040, John Hashimoto and Junedale Hashimoto, Permittee, for single-family residential purposes. Revocable Permit No. S-6040 was not renewed by the Land Board at its meeting of October 24, 2008 (D-1).

CHARACTER OF USE:

Residential purposes.

COMMENCEMENT DATE:

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

MONTHLY RENTAL:

\$454.00 per month, based on staff appraisal dated July 18, 2011, attached as Exhibit B.

COLLATERAL SECURITY DEPOSIT:

Twice the monthly rental.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with Hawaii Administrative Rule Section 11-200-8(a)(1) and (4), 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." Exemption Notice attached as Exhibit C

DCCA VERIFICATION:

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

BACKGROUND:

In June 1983, the Board awarded Applicant revocable permit S-6040 for residential purposes to reside on the property. In 2004, as a result of a new valuation, the monthly rent for the revocable permit increased from \$500.00 per month to \$3556.00 per month. Over the years, Applicant had increasing difficulty in paying the rent, eventually accruing a substantial delinquency. As a result, the revocable permit was not renewed for another year by the Land Board in 2008, and thus terminated at the end of 2008. At the time of

termination, Applicant was in arrears of six months worth of rent in the amount of \$24,892.00.

However, the Applicant never vacated the property and continues to occupy the State property without permission from the Board or any further compensation to the Department. In order to resolve the matter, the Land Board at its meeting of January 23, 2009, under Agenda item D-1 (attached as Exhibit D), approved staff's recommendation to authorize the forfeiture of Revocable Permit No. S-6040, but deferred forfeiture for 60 days for staff to work with the tenant on a realistic payment plan (schedule). Furthermore, the Board instructed staff to research the possibility of reducing the rent prospectively. The 60-day period ran from January 23, 2009 to March 23, 2009.

In response to the Board's decision, by letter dated March 5, 2009, Mr. Clyde Namuo, Administrator for the Office of Hawaiian Affairs is requesting the Land Board to extend the deadline to work with the family on a mutually acceptable solution. Subsequently, the Land Board revisited the matter at its meeting of March 27, 2009, under Agenda item D-3 (attached as Exhibit E), and approved staff's recommendation to extend the deadline from March 23, 2009 to May 22, 2009. This would allow more time to work with the parties.

Staff then requested the Hashimoto family and Native Hawaiian Legal Corporation to hire an independent real estate appraiser to determine what the monthly fair market rent should be. Staff provided names of licensed real estate appraisers on the island of Kauai. It appears neither the Hashimoto Family or Native Hawaiian Legal Corporation could not enlist the services of a licensed real estate appraiser to come up with a monthly rent that they were comfortable with. Therefore, we requested the Staff Appraiser to determine the monthly rent, which was valued at \$454.00 by a report dated July 18, 2011.

ANALYSIS:

The Department believes the best outcome for all parties would be to issue Applicant a new revocable permit at a monthly rent of \$454.00 to allow continued residence on the property, but also as a condition, require the Applicant to compensate the Department for back rent for the period the Applicant resided on the property without a revocable permit starting in January 2009. In addition, the Applicant should be required to compensate the State for the six months worth of delinquent rent that was outstanding at the time of the expiration of the revocable permit.

As Applicant has continued to reside on the property, even though the revocable permit is no longer in effect, the Department continues to bill the applicant for the monthly rent in the amount of \$3556.00. At the close of 2011, the Applicant will owe the Department \$152,908.00. If the Applicant were forced to pay the higher rent amount for the delinquency period, it is unlikely they could afford to and would be required to vacate the property. In that scenario, it is unlikely the Department would recoup any back rent payments.

Therefore, the Department believes the Board should reconsider its decision at the January 23rd, 2009 meeting to limit any rent reduction to **prospective** rent. The Board is respectfully requested to discount the monthly rent amount for the outstanding six months of rent owed the Department at time of the expiration of the revocable permit from \$3556.00 to \$454.00 per month. This would result in the total amount owed reduced from \$24,892.00 to \$2724.00.

In addition, the Board is requested to require the Applicant to compensate the Department monthly rent for the occupancy of the property without State permission beginning in January 2009 in the amount of \$454.00 per month. This period will extend until the execution of the new revocable permit. Given this monthly rent, at the end of 2011, the Applicant would owe the Department \$16,344.00. With the addition of the discounted back from the revocable permit (\$2724.00), the total owed as of close of 2011 would be \$19,068.00, as opposed to \$152,908.00. The Department believes that this would provide the Applicant with a fair resolution to the issue of the delinquent rent as well as allow the Applicant to obtain a new revocable permit and continue to reside on the property.

The Board is also requested to grant the Chairperson authority to work with the Applicant in establishing a payment schedule for compensation of the outstanding rent. Completion of the payment schedule will be a condition on which the execution of a new revocable permit will be subject to. Once the payment schedule is finalized between the Department and the Applicant, the Applicant shall adhere to the schedule, understanding that any further delinquency will result in the termination of the revocable permit and the Applicant shall be required to vacate the property.

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, 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.
2. Authorize the issuance of a revocable permit to Junedale U. Hashimoto covering the subject area for residential 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.

3. Amend its decision from its meeting on January 23, 2009, under Agenda Item D-1, to allow the retroactive discount in monthly rent from \$3556.00 per month to \$454.00 per month, applicable to the outstanding six months of rent owed at the expiration of revocable permit S-6040.
4. Require the Applicant to compensate the Department for occupying State land without permission, in the amount of \$454.00 per month, from the period beginning in January 2009 to the date of execution of the revocable permit that the Board is requested to authorize above.
5. Authorize the Chairperson to work with the Applicant to establish a payment schedule for compensation of the outstanding rent to the Department, under the terms and conditions cited above, which are by this reference incorporated herein.

Respectfully Submitted,

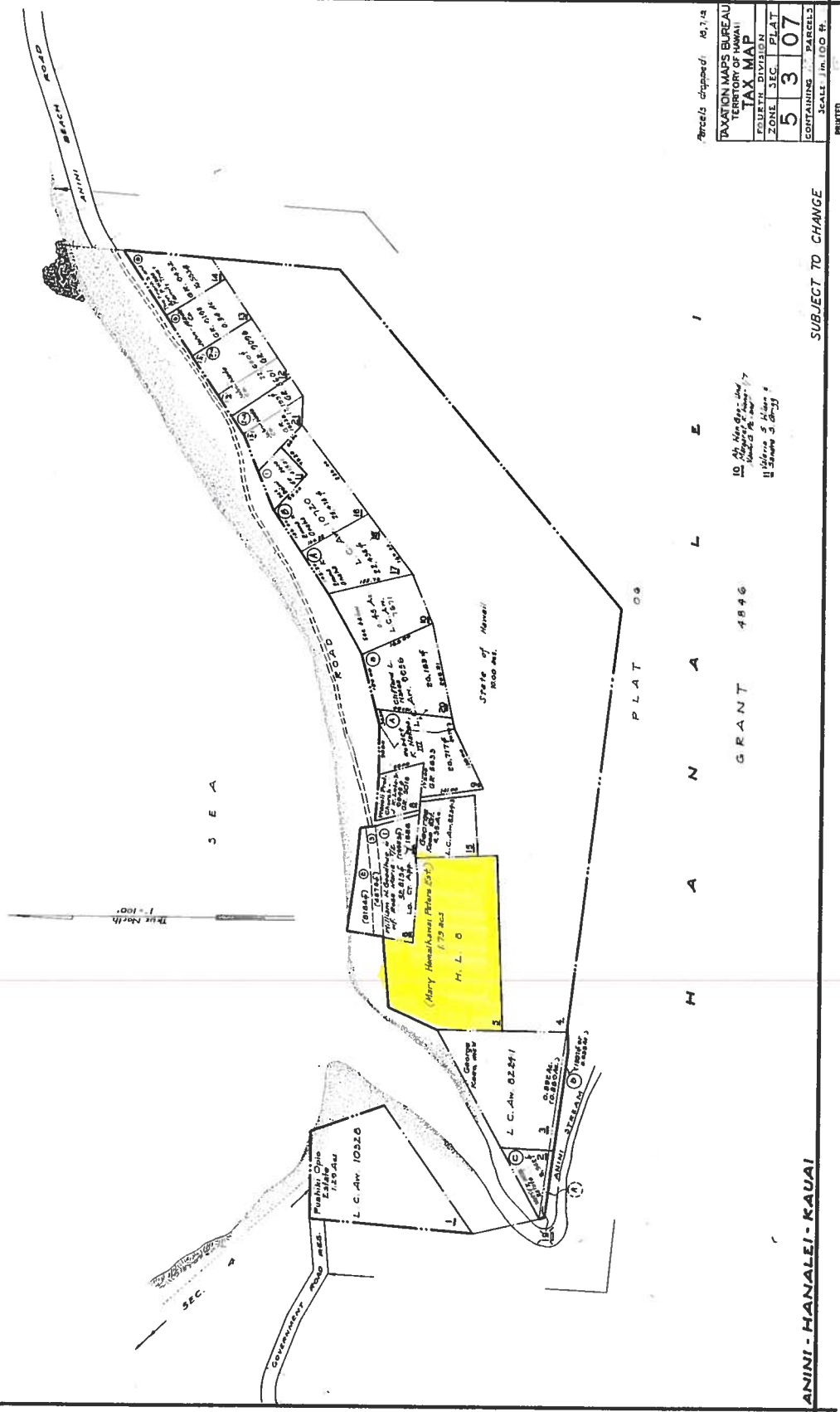


Ian Hirokawa
Project Development Specialist

APPROVED FOR SUBMITTAL:



William J. Aila, Jr., Chairperson



Acres clipped: 18.74

TAXATION MAPS BUREAU			
TERRITORY OF HAWAII			
TAX MAP			
FOURTH DIVISION	PLAT	5 3 07	
ZONE	SEC.	5 3 07	

CONTAINING 10 PARCELS
SCALE 1/4" = 100 FT.
PRINTED

10. An. Map. G. 100
11. An. Map. G. 100
12. An. Map. G. 100

SUBJECT TO CHANGE

H A N A L E I

ANINI - HANALEI - KAUAI

EXHIBIT "A"

Dwg. No. 3107
Source: Survey Office - Plat map 3003
By: D. R. B. - Nov. 1958




STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

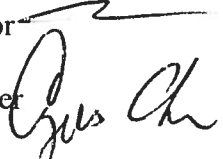
POST OFFICE BOX 621
HONOLULU, HAWAII 96809

July 18, 2011

MEMORANDUM

TO: William J. Aila, Jr., Chairperson

THROUGH:  Russell Y. Tsuji, Land Division Administrator

FROM: Cyrus C. Chen, Real Estate Appraisal Manager 

SUBJECT: In-House Valuation Recommendation – Rent for Residential RP Purposes

RP No.: S-6040
Permittee: John K. & Junedale U. Hashimoto
Location: Anini, Hanalei, Kauai, Hawaii
Land Area: 1.735 ac.
Tax Map Key: (4) 5-3-07: 5
Char. of Use: Residential
Effective Date: Current

I have been asked to perform an in-house valuation of a fair monthly rent estimate on the subject property referenced above. A prior analysis was completed by staff and approved by the Chair back in October 18, 2003. That analysis recommended a rent of \$3,556 per month. Staff has been requested to perform another analysis considering other data from within Land Division that was not considered back in the 2003 in-house valuation.

A review of the subject Revocable Permit (RP) document does not contain any provisions or guidelines on setting or redetermining the rent. Generally, permits are reviewed based on a methodology approved by the Land Board on April 22, 2005, under agenda item D-17. This methodology indicates that residential permits are reviewed every five years. Residential permits were last reviewed in late 2009 for renewal beginning January 1, 2010. Due to the poor housing market, the Board approved staff's recommendation of no change in residential permit rents.¹ Staff also reviewed the applicable statute governing permits. Section 171-55, Hawaii Revised Statutes, reads as follows:

¹ Most rents for residential use permits are substantially lower than the subject.

EXHIBIT "B"

"Permits. Notwithstanding any other law to the contrary, the board of land and natural resources may issue permits for the temporary occupancy of state lands or an interest therein on a month-to-month basis by direct negotiation without public auction, under conditions and rent which will serve the best interests of the State, subject, however, to those restrictions as may from time to time be expressly imposed by the board. A permit on a month-to-month basis may continue for a period not to exceed one year from the date of its issuance; provided that the board may allow the permit to continue on a month-to-month basis for additional one year periods."

An exterior only inspection was conducted on February 15, 2011. The Permittees were not home at the time of inspection. The subject is located on Anini Beach Road opposite a sandy beach. The subject contains two structures. The larger dwelling appears to be the primary residence for the Permittees. According to public tax office records, the larger dwelling contains two bedrooms and one bath with an interior area of 896 sq. ft. Behind this dwelling on the mauka side is another structure in poor condition that does not look habitable but may have been a washroom. According to KDLO staff, the subject property is serviced by county water service but not sewer, only cesspool, which is constructed by the tenant. Furthermore, the subject is serviced by electrical lines from KIUC and telephone service. On the east side of the property is a large grassy yard area.

In order to derive a valuation, the staff appraiser was asked to consider and evaluate rents of residential permits and leases statewide that were located on or near the ocean. The most pertinent and relevant data considered are displayed on Table 1 titled Comparable Rental Adjustment Schedule.

Other permits and leases on Kauai allowing residential use, considered collateral data and displayed on Table 2, were also researched. Most of these permits and leases on Kauai allow uses such as agriculture, taro cultivation or home business along with residential use. A residential permit on Oahu is also listed on this table but deemed relevant because of its location near the ocean but across the highway. These permits and leases were researched but not considered as the primary data in the analysis.

Description of Comparables

The staff appraiser researched and reviewed comparable residential permits on Kauai and other islands. These permits were deemed relevant data due to their location on or near the ocean similar to the subject. Three comparable permits were selected as part of the data set and are briefly summarized below.

RP S-6893, also located in Kapaa near the beach on a 6,338 sq. ft. lot, currently rents for \$386 per month. Photos indicate the property contains a dwelling in average condition. The beach frontage is mostly rocky.

RP S-7518, located on a 0.6-acre oceanfront lot on Hana Bay on Maui, is renting for \$298 per month. Photos taken of the property indicate an area heavily vegetated with trees and shrubs. The improvements consist of a modest, wood frame structure in fair to poor condition. Upon conferring with permittee, MDLO staff estimates the dwelling is approximately 102 ft.

from the shoreline. MDLO staff also indicate the shoreline is a mixture of coral, rocky areas and sandy beach.

RP S-7536, located on 0.161 acre oceanfront lot on Kuhio Bay on Hawaii, is renting for \$259 per month. The shoreline fronting this property is rocky. HDLO staff indicates the dwelling is old and in somewhat run down condition but there are habitants living in the dwelling.

RP S-4974 is located in Kapaa near the beach but was not used as a comparable. The tenants were evicted in April of 2011. Permit documents indicate the tenants were to use a demised land area of 2,760 sq. ft. but staff indicates the tenants were using the entire 8,275 sq. ft. parcel. The rent was \$137 per month. This property contains two main dwellings and two storage sheds in average condition. Kauai staff indicate the beach frontage is mostly rocky. This permit was not used as a comparable due to non-compliance and illegal structures.

Analysis of Data

The Comparable Rental Adjustment Schedule, as shown on Table 1, displays a summary of the primary rental comparables researched and analyzed. Adjustments were considered for various factors such as location, zoning, quality of beach frontage, infrastructure, physical characteristics and size. Each comparable was then weighted based on comparability to the subject.

A location adjustment was applied to reflect proximity to urban development and transportation centers. Comparables 1 and 3 were considered superior in terms of proximity to urban and transportation centers and were adjusted downward. Comparable 2 is located in a very remote location and adjusted upward.

The zoning adjustment takes into account the effects zoning has on the use of the lot. Comparable 3 is zoned MG-1a, an industrial zoning. According to HDLO staff, if the structure is destroyed, it may be difficult to obtain building permits to rebuild due to the zoning. Therefore, comparable 3 was adjusted upward to allow for this potential detriment. The other comparables were considered relatively similar and not adjusted.

The adjustment for quality of beach frontage considered the relative quality of beach such as the presence of sandy beach areas as well as accessibility to the beach. The subject is situated across the road from a nice, sandy beach. KDLO staff indicates the beach in front of comparable 1 rocky in nature. According to MDLO staff, the beach near comparable 2 is a mixture of rocky, coral rock and sandy areas. These two comparables contain beach that is accessible but inferior compared to the subject beach and were adjusted upward by 10%. HDLO staff indicates that comparable 3 is situated on ocean frontage comprised of cliff areas and a rocky shoreline and not readily accessible so a 20% upward adjustment was applied.

The adjustment for infrastructure accounted for services available to the site. The subject is serviced by electrical, telephone, and county water but not county sewer. Comparable 2 has county water but no sewer, electrical or telephone service. This comparable was adjusted

upward by 20%. The remaining comparables were considered similar to the subject in terms of infrastructure and were not adjusted.

The adjustment for physical characteristics takes into account such factors as topography, shape of lot, and other physical aspects. Comparable 2 is on an irregular shaped lot which limits how the lot can be developed. Therefore, comparable 2 was adjusted upward for physical characteristics.

A size adjustment was applied last. The subject is on a 1.735 acre lot, substantially larger than a typical residential lot. Discussions with a residential property manager and an appraiser have indicated that a larger than normal lot size does not always typically result in a premium added to the rental amount and depends on if the comparable data demonstrates higher rents for larger lots. If the extra land area is used for farming or some other revenue generating activity, then a premium may be warranted. However, market data does not consistently indicate larger residential lots command higher rents. One residential appraiser indicates that a 10% to 20% upward adjustment can be considered reasonable for the extra land area as an added amenity that provides more utility for the occupants. Therefore, an upward adjustment of between 10% and 20% was applied to the comparables for size.

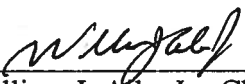
Conclusion

After applying the net adjustments to each comparable, an adjusted rent for each comparable was derived. Each comparable was then given a weighting factor depending on comparability. The Kauai permit was accorded more weight as indicated on Table 1. The weighted rental value of \$454 per month was derived. As shown on Table 1, the concluded rental value is recommended to be \$454 per month as of the date of this document.

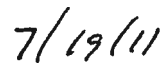
Special Assumptions and Limiting Conditions

- 1) The staff appraiser conducted an exterior only inspection of the subject property.
- 2) The comparables were not inspected by the staff appraiser.

Approved:



William J. Aila, Jr., Chairperson



Date

cc: District Branch Files
Central Files

Table 1

COMPARABLE RENTAL ADJUSTMENT SCHEDULE

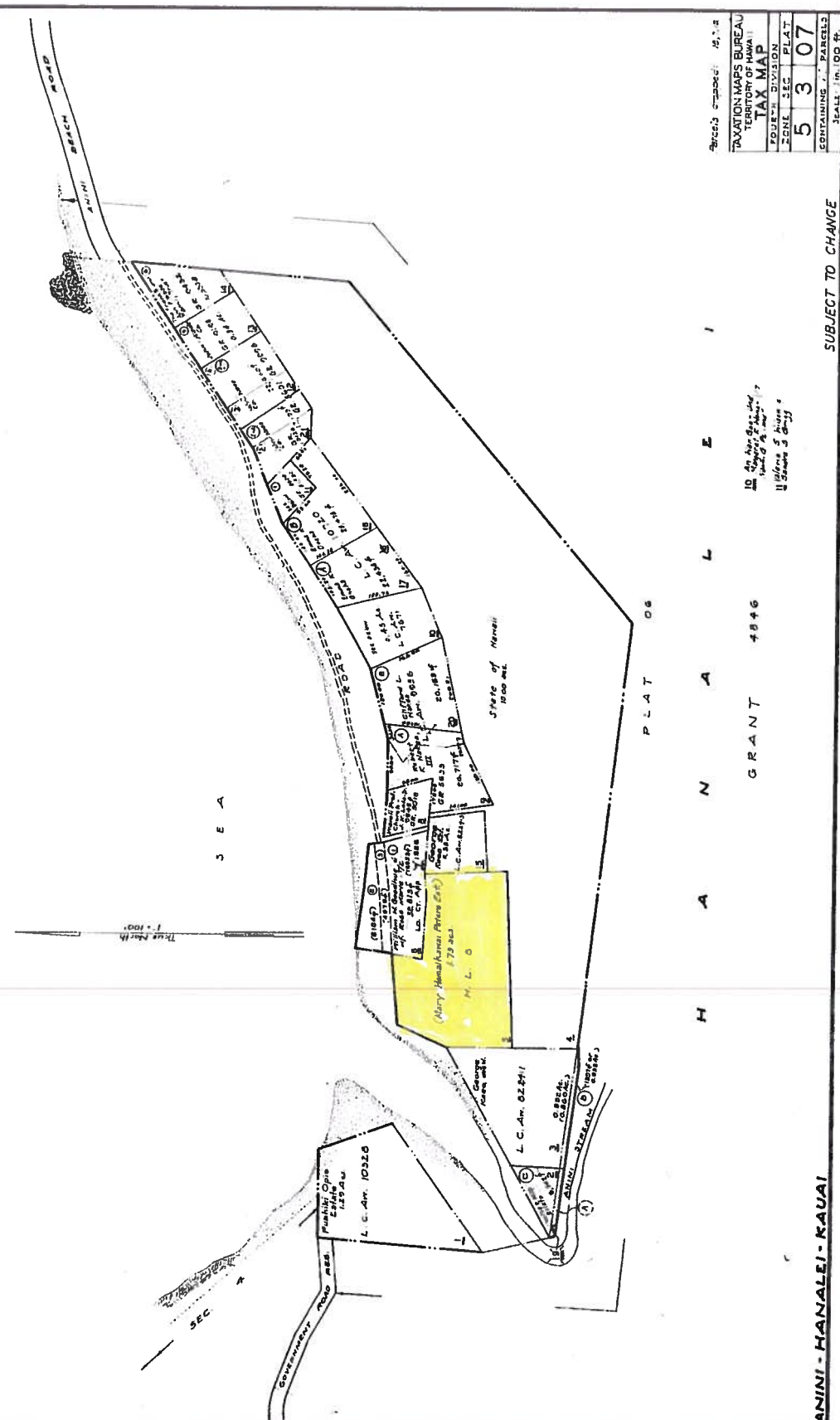
John K. & Junedale U. Hashimoto (RP S-6040)
 Anini, Hanalei, Kauai, Hawaii
 Tax Map Key (4) 5-3-07: 5

		1	2	3
		Subject		
Tax Map Key		(4) 5-3-07: 5	(2) 1-3-07: 25	(3) 2-1-07: 20
Permit/Lease No.		S-6040	S-7518	S-7536
Address/Street/Subdivision				
Location		Hanalei, Kauai	Hana, Maui	Waiakea, Hawaii
Land Area - SF		75,577	26,136	6,996
Land Area - Acres		1.735	0.600	0.161
Zoning		Open	Ag	MG-1a
Rent Commencement Date			1999	2010
Instrument		Permit	Permit	Permit
Use		Residential	Residential	Residential
Monthly Rent		\$386	\$298	\$259
Adjustments (%)				
Location		-10%	10%	-10%
Zoning		0%	0%	20%
Quality of Beach Frontage		10%	10%	20%
Infrastructure		0%	20%	0%
Physical Characteristics		0%	10%	0%
Net Adjustments (%)		0%	50%	30%
Adjusted Rent		\$386.00	\$447.00	\$336.70
Size Adjustment		<u>1.20</u>	<u>1.10</u>	<u>1.20</u>
Size Adjusted Unit Value		\$463.20	\$491.70	\$404.04
Weighting Factor		<u>0.40</u>	<u>0.30</u>	<u>0.30</u>
Product		\$185.28	\$147.51	\$121.21

Range of Rent	\$404.04 to	\$491.70
Mean Rental Value	\$452.98	per month
Weighted Rental Value	\$454.00	per month
Concluded Rental Value	\$454.00	per month

Table 2

Document	Location TMK	Acres	Land Area Sq. Ft.	Zoning	Type	Transaction Date	Rent		Comments
							Monthly	Annual	
GL 3993	Kapaa, Kauai (4) 4-6-5: 9	3	130,680	Open	Reopening	7/14/2009	\$250	\$3,000	Character of use is diversified ag-residence. Improved with older dwelling and two utility buildings.
GL 4392	Hanapepe, Kauai (4) 1-9-1: 11	4.08	177,725	Open	Reopening	12/20/1998	\$121	\$1,450	Character of use is taro cultivation-residence. Improved with dwelling.
GL 4393	Waipouli, Kawaihau, Kauai (4) 4-4-4: 44	40.26	1,753,726	Ag	Reopening	1/18/2004	\$517	\$6,200	Character of use is diversified ag-residence. Improved with dwelling.
GL 5113	Hanapepe, Kauai (4) 1-9-1: 14	6.1	265,716	Open	Current	2001	\$210	\$2,523	Character of use is general ag-employee residence.
GL 5322	Kapaa, Kauai (4) 4-5-15: 8	10.426	454,157	Ag	Reopening	6/30/2003	\$61	\$730	Character of use is general agriculture No dwelling, not currently used for residence.
RP 7401	Waimea, Kauai (4) 1-6-4: 15	0.339	14,767	R-4	Current	2004	\$1,073	\$12,876	Character of use is residential and home business. Improved with 3-bd dwelling and old warehouse.
RP 4974	Kapaa, Kauai (4) 4-5-11: 10 por.	0.061	2,670	Open	Current prior to eviction	1999	\$137	\$1,644	Character of use is residential. Staff indicates permittee was using the entire 8,275 sq. ft. parcel even though document indicates an area of 2,760. Occupants were recently evicted.
RP 7045	Hanapepe, Kauai (4) 1-9-3: 6	7.826	340,901	Ag	Current	1999	\$115	\$1,380	Character of use is intensive ag-taro and other wetland crop use and single-family residence. Improved with dwelling.
RP 7259	Hanapepe, Kauai (4) 1-9-7: por. of 5, 7, 28, 29 & 30	16.09	700,880	Open	Current	2001	\$673	\$8,076	Character of use is plant nursery, caretaker residence, landscaping and pasture purposes. Improvements include dwelling and greenhouse type structure.
RP 7521	Lawai, Kauai (4) 2-5-5: 4, 5, 6	7.54	328,442	Open	Current	2010	\$217	\$2,604	Character of use is general ag-employee residence.
<u>Oahu</u> RP 7443	Waianae, Oahu (1) 8-7-1: 29	0.4	16,351	R-5	Current	2009	\$600	\$7,200	Character of use is residential, improved with two older dwellings, one inhabitable. Located across the highway from the ocean.



Scale: 1" = 100'

TAXATION MAPS BUREAU			
TERRITORY OF HAWAII			
TAX MAP			
EDGE	DIVISION	PLAT	
5	3	07	

CONTAINING 77 PARCELS
SCALE 1" = 100'

H A N A L E I

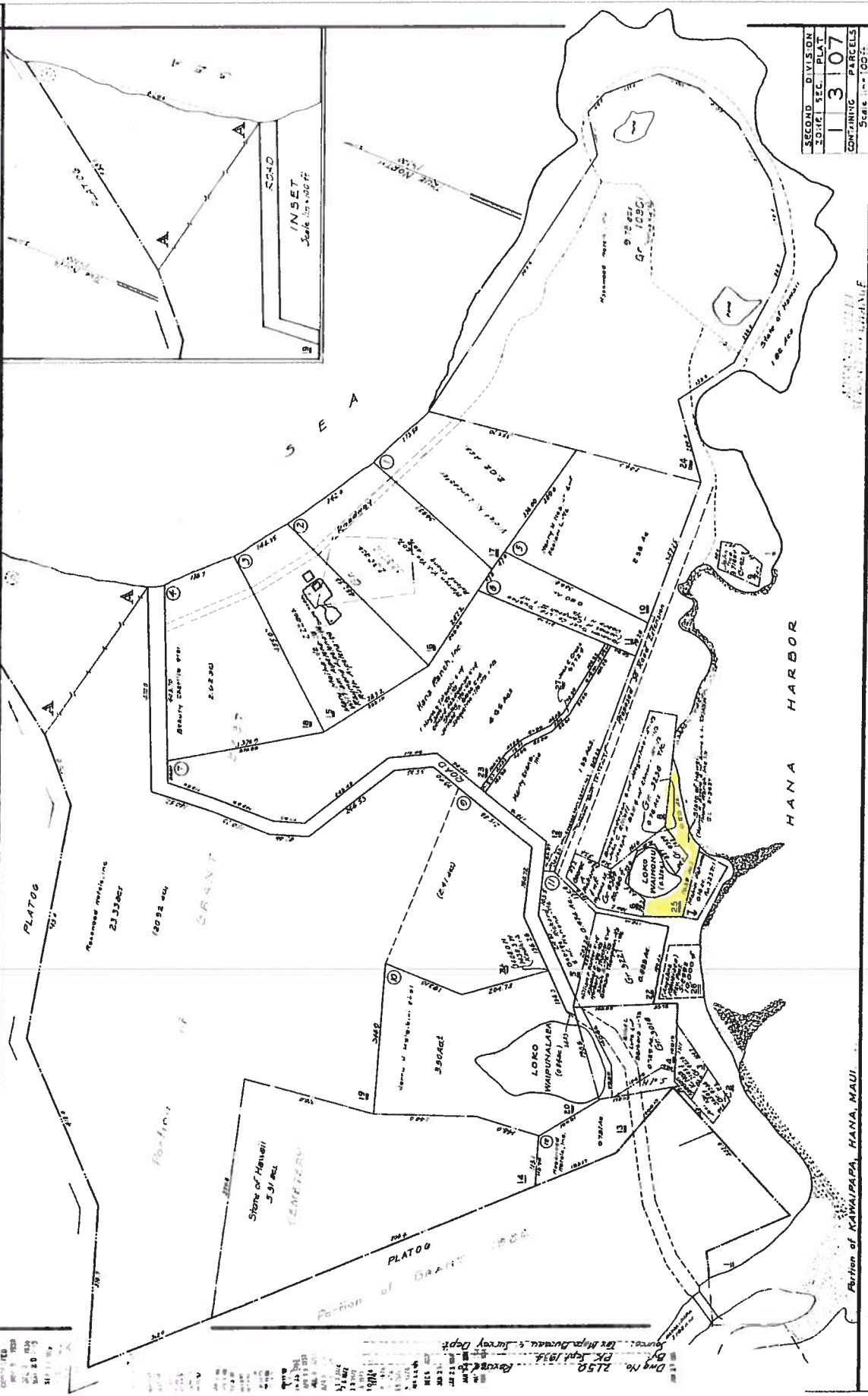
GRANT 4846

SUBJECT TO CHANGE

ANINI - HANALEI - KAUAI

Subject

1 3 07

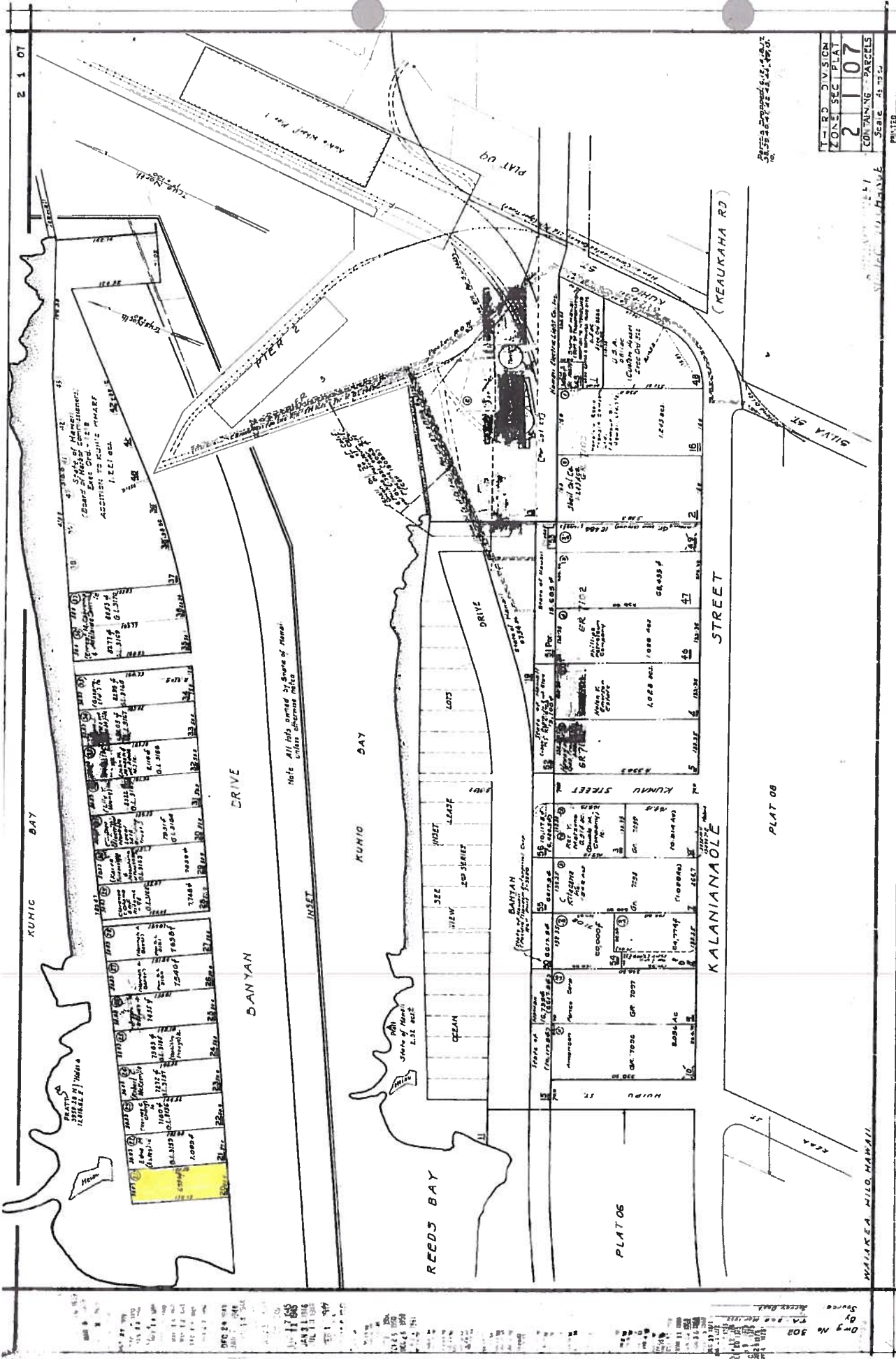


SECOND DIVISION	1
ZONE	3107
SECTION	1
PLAT	1
CONTAINING PARCELS	1
Scale	1"=100'

Plat

Comparable 2

Eng No. 2150
 PK Sept 1934
 Surveyed by
 Source: Mr. H. P. Duncan, Survey Dept.



T-1 RD DIVISION	2107
ZONE SEC PLAT	2107
CONTAINING PARCELS	Scale 45' x 30'

Comparable 3

WAIKAEA HILLO, HAWAII

By M. J. ...
 Source: ...
 Date: ...



View of dwelling from Anini Beach Road and subject driveway access looking mauka.



Close up view of subject dwelling.



View of rear of subject dwelling looking makai.



View of garage or storage area of dwelling.



View of shed situated mauka of dwelling.



View of subject yard area facing east containing much of the excess land.



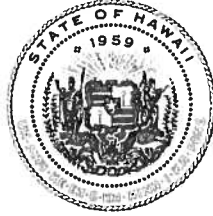
View of driveway access looking makai.



View of beach from near subject driveway entrance.



View of Anini Beach Road looking west. Subject driveway access is to the left.



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

January 12, 2012

WILLIAM J. AILA, JR.
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

GUY H. KAULUKUKUI
FIRST DEPUTY

WILLIAM M. TAM
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

EXEMPTION NOTIFICATION

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

Project Title: Issuance of Revocable Permit to Junedale Hashimoto for Residential Use

Project Location: Anini, Kauai, Tax Map Key No.: (4) 5-3-007:005

Project Description: Revocable permit for residential purposes

Chap. 343 Trigger(s): Use of State lands

Exemption Class No.: In accordance with Hawaii Administrative Rules, Section 11-200-8(A), 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, 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."

The family of the applicant has resided on the property for nearly 100 years, and applicant had a revocable permit for residential purposes since 1983. Issuance of a new revocable permit will likely not result in any significant changes or cumulative impacts on the environment.

Recommendation: The Board is recommended to find that 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.



William J. Aila, Jr., Chairperson

12/14/11

Date

EXHIBIT "C"

AMENDED

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

January 23, 2009

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

Kauai

Re-Submittal Forfeiture of Revocable Permit No. S-6040, John K. Hashimoto and Junedale U. Hashimoto, Permittee, Anini, Hanalei, Kauai Tax Map Key: (4) 5-3-07:5

PURPOSE:

Forfeiture of Revocable Permit No. S-6040, John K. Hashimoto and Junedale U. Hashimoto, Permittee.

LEGAL REFERENCE:

Section 171-55, Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government lands of Hanalei situated at Anini, Hanalei, Kauai, identified by Tax Map Key: (4) 5-3-07:5, as shown on the attached map labeled Exhibit A.

AREA:

1.735 acres, more or less.

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act
DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: NO

CHARACTER OF USE:

Single-family residential.

EXHIBIT "D"

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

January 23, 2009

D-1

COMMENCEMENT DATE OF PERMIT:

Commenced on August 16, 1983.

MONTHLY RENTAL:

\$3,556.00

BACKGROUND:

On November 16, 2007, under Item D-1, the Board approved and amended the annual renewal of month-to-month revocable permits Statewide effective January 1, 2008. Revocable Permit No. S-5384 was deleted from the listing. This was based on testimony from Mr. Chris Racine concerning alleged violations by Mauna Kea Broadcasting. Namely, deferred maintenance, non-payment of State income taxes and not registering with the DCCA. Mr. Racine also indicates the current permit rent is far below market and that Mauna Kea Broadcasting is collecting large sums in sublease rents from shared tower space.

In a letter dated November 19, 2007, staff notified John and Junedale Hashimoto that Revocable Permit S-6040 would not be renewed because there was substantial delinquency - \$7,112 (over 60 days) and \$3,556 (over 30 days).

By letter dated August 26, 2008 the Hashimoto's were informed of the rent deficiency and that they continued to occupy the State property without proper authorization. Our letter gave the Hashimoto's 45 (forty-five) days to vacate the premises which expired on October 11, 2008.

The Land Board at its November 14, 2008, under agenda Item D-3 approved to defer Land Divisions request for forfeiture of Revocable Permit No. S-6040.

The Kauai District staff met with Ms. Junedale Hashimoto on November 17, 2008. In the meeting, we explained to Ms. Hashimoto that she is still delinquent in the rent and owes \$28,448. Ms. Hashimoto gave no response or explanation on how she intended on paying the back rent owed to the State of Hawaii. Ms. Hashimoto indicated she would be vacating the State premises by the December 31, 2008. Ms. Hashimoto also explained that she does not have a phone at this time. A phone number will be given to the Kauai District staff so our staff can make arrangements to inspect the property.

As of January 13, 2009, Ms. Hashimoto has not contacted the Kauai District Office and has not vacated the State premises. As of December 31, 2008, Ms. Hashimoto owes \$24,892 in back rent.

ANALYSIS:

The authority for the issuance of month-to-month revocable permit is: **§171-55 Permits.** Notwithstanding any other law to the contrary, the board of land and natural resources may issue permits for the temporary occupancy of state lands or an interest therein on a month-to-month basis by direct negotiation without public auction, under conditions and rent which will serve the best interests of the State, subject, however, to those restrictions as may from time to time be expressly imposed by the board. A permit on a month-to-month basis may continue for a period not to exceed one year from the date of its issuance; provided that the board may allow the permit to continue on a month-to-month basis for additional one-year periods. [L 1962, c 32, pt of §2; Supp, §103A-52; am L 1967, c 234, §11; HRS §171-55; am L 1990, c 90, §1]

Due to the rent deficiency of Revocable Permit No. S-6040, staff could not recommend to the Land Board renewal of the permit for another year (January 1, 2008 to December 31, 2008). Staff notified the Hashimoto's. On November 30, 2007, the Hashimoto's submitted a \$3,556 rent payment. Which was applied to August 2007 rent!

Normally, if a permittee cures the deficiency, staff would bring the revocable permit back to the Land Board for renewal – in January or February. Staff was unable to do so, for this permittee. The payment history in 2007 is dismal. The Hashimoto's have tried to make nine rent payments totaling \$28,448. They fell behind and did not pay rent for April 2007, May 2007, June 2007, July 2007, and August 2007. They then tried to catch up again in July 2007 by submitting two \$3,556 checks. Yet at the end of December 2007, they still owed the State \$14,224 in back rent.

The payment history in 2008 is worse. The Hashimoto's can never become a tenant in good standing. Staff can never recommend to the Land Board this permit should be renewed. Despite the Hashimoto's inability to make current the rent, our staff has allowed the Hashimoto's to continue occupancy - 8 months. In the hope that the Hashimoto's would make current the rent.

In 2006, we know that former Mayor Bryan Baptiste and former Representative Ezra Kanoho tried to work out a solution whereby the County of Kauai would request a set aside for park purposes. This would allow the Hashimoto's to continue living at the property as a caretaker. It is our understanding the Hashimoto's refused.

As of this date, the Hashimoto's continue to occupy the State property as an unauthorized holdover. Try as they could, the Hashimoto's have been unable to bring the rent current. The State has given the Hashimoto's, more than 9 months to resolve the delinquency. As of December 31, 2008, Ms. Hashimoto owes \$24,892 in back rent.

In conclusion, staff is requesting authorization to cancel Revocable Permit No. S-6040 and if necessary, remove the Hashimoto's from the State property.

A copy of the submittal was sent to the Hashimoto's.

RECOMMENDATION: That the Board:

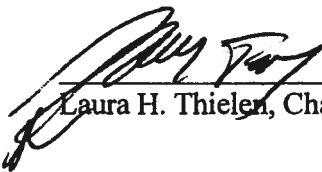
1. Authorize the cancellation of Revocable Permit No. S-6040 in the manner specified by law;
2. Authorize the retention of all sums heretofore paid or pledged under Revocable Permit No. S-6040 to be applied to any past due amounts;
3. Terminate the permit and all rights of Permittee and all obligations of the Permitter effective as of February 28, 2009, provided that any and all obligations of the Permittee which have accrued up to said effective date or which are stated in the lease to survive termination shall endure past such termination date until duly fulfilled, and further provided that Permitter reserves all other rights and claims allowed by law; and
4. Authorize the Department of the Attorney General, the Department of Land and Natural Resources, or their agents to collect all monies due the State of Hawaii under Revocable Permit No. S-6040 and to pursue all other rights and remedies as appropriate.
5. The Permittee shall have until February 28, 2009 to vacate the property. If the property is not vacated by February 28, 2009 the State will commence eviction action, including confiscating any items remaining on the premises.

Respectfully Submitted,



for Thomas Oi
Kauai District Land Agent

APPROVED FOR SUBMITTAL:



Laura H. Thielen, Chairperson

APPROVED AND AMENDED 1/23/2009 D-1
The Board deferred forfeiture for 60 days for staff to work with the tenant on a realistic payment plan (schedule). Staff is to research the possibility of reducing the rent prospectively.

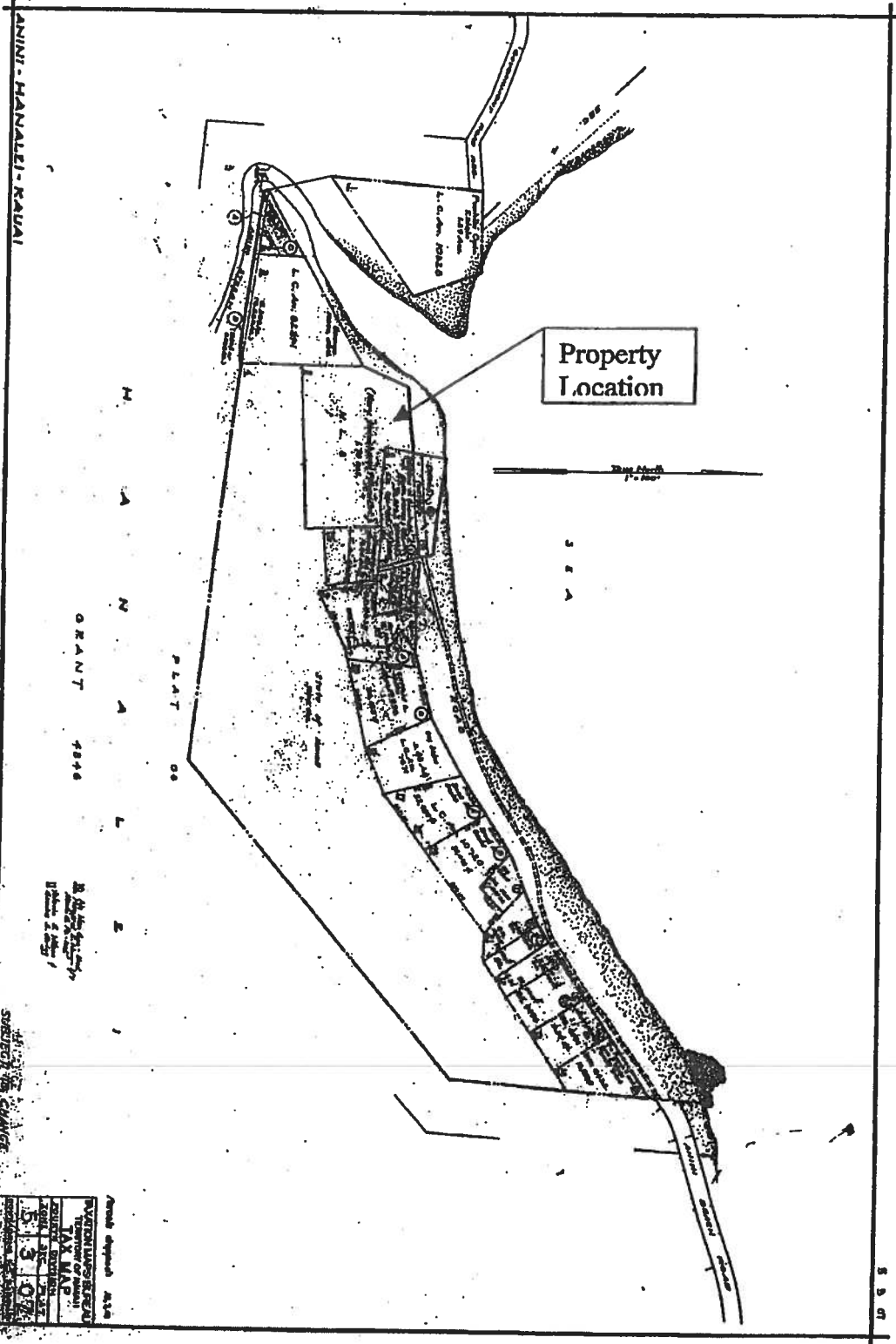


EXHIBIT A

Final Report 4/24

NO. 1	5	3	0	7
NO. 2	5	3	0	7
NO. 3	5	3	0	7
NO. 4	5	3	0	7
NO. 5	5	3	0	7
NO. 6	5	3	0	7
NO. 7	5	3	0	7
NO. 8	5	3	0	7
NO. 9	5	3	0	7
NO. 10	5	3	0	7

5 3 0 7

Tenant Ledger
rp6040
JOHN K. & JUNEDA F HASHIMOTO

Date	Ref. #	App To	Billing Period	Description	Charges	Payments	Balance
11/01/2000	C-1612	Total Chg.	:Load	[11/01/00 Balance Forward] SECURITY	450.00		450.00
	R-450		Received: 11/01/2000	DEPOSIT BEGINNING BALANCE		450.00	
11/01/2000	C-2608	Total Chg.	0001204 11/01/2000	11/01/00 BALANCE FORWARD	500.00		950.00
	R-1576		Received: 12/04/2000	CR00041 PAYMENT		500.00	
11/01/2000	R-450	Total Rcpt.		DEPOSIT BEGINNING BALANCE		450.00	500.00
12/04/2000	R-1576	Total Rcpt.		CR00041 PAYMENT		500.00	0.00
01/01/2001	C-3409	Total Chg.	01/01/2001 - 01/31/2001	RENT - UNLEASED PUBLIC LANDS (0	500.00		500.00
	R-4525		Received: 01/08/2001	CR00025 PAYMENT		500.00	
01/08/2001	R-4525	Total Rcpt.		CR00025 PAYMENT		500.00	0.00
02/01/2001	C-4940	Total Chg.	02/01/2001 - 02/28/2001	RENT - UNLEASED PUBLIC LANDS (0	500.00		500.00
	R-7234		Received: 02/08/2001	CR00009 PAYMENT		500.00	
02/08/2001	R-7234	Total Rcpt.		CR00009 PAYMENT		500.00	0.00
03/01/2001	C-6300	Total Chg.	03/01/2001 - 03/31/2001	RENT - UNLEASED PUBLIC LANDS (0	500.00		500.00
	R-10186		Received: 03/13/2001	CR00009 PAYMENT		500.00	
03/13/2001	R-10186	Total Rcpt.		CR00009 PAYMENT		500.00	0.00
04/01/2001	C-8000	Total Chg.	04/01/2001 - 04/30/2001	Rentals, Temporary Permits (04/2001	500.00		500.00
	R-11560		Received: 04/04/2001	CR00029 PAYMENT		500.00	
04/04/2001	R-11560	Total Rcpt.		CR00029 PAYMENT		500.00	0.00
05/01/2001	C-9514	Total Chg.	05/01/2001 - 05/31/2001	Rentals, Temporary Permits (05/2001	500.00		500.00
	R-13677		Received: 05/03/2001	CR00009 PAYMENT		500.00	
05/03/2001	R-13677	Total Rcpt.		CR00009 PAYMENT		500.00	0.00
06/01/2001	C-11069	Total Chg.	06/01/2001 - 06/30/2001	Rentals, Temporary Permits (06/2001	500.00		500.00
	R-15800		Received: 06/05/2001	CR00013 PAYMENT		500.00	
06/05/2001	R-15800	Total Rcpt.		CR00013 PAYMENT		500.00	0.00
07/01/2001	C-12625	Total Chg.	07/01/2001 - 07/31/2001	Rentals, Temporary Permits (07/2001	500.00		500.00
	R-18504		Received: 07/06/2001	CR00011 PAYMENT		500.00	
07/06/2001	R-18504	Total Rcpt.		CR00011 PAYMENT		500.00	0.00
08/01/2001	C-14111	Total Chg.	08/01/2001 - 08/31/2001	Rentals, Temporary Permits (08/2001	500.00		500.00
	R-20686		Received: 08/07/2001	CR00010 PAYMENT		500.00	
08/07/2001	R-20686	Total Rcpt.		CR00010 PAYMENT		500.00	0.00
09/01/2001	C-15530	Total Chg.	09/01/2001 - 09/30/2001	Rentals, Temporary Permits (09/2001	500.00		500.00
	R-23025		Received: 09/06/2001	CR00022 PAYMENT		500.00	
09/06/2001	R-23025	Total Rcpt.		CR00022 PAYMENT		500.00	0.00
10/01/2001	C-16889	Total Chg.	10/01/2001 - 10/31/2001	Rentals, Temporary Permits (10/2001	500.00		500.00
	R-25037		Received: 10/01/2001	CR00038 PAYMENT		500.00	
10/01/2001	R-25037	Total Rcpt.		CR00038 PAYMENT		500.00	0.00
11/01/2001	C-18484	Total Chg.	11/01/2001 - 11/30/2001	Rentals, Temporary Permits (11/2001	500.00		500.00
	R-27522		Received: 11/05/2001	CR00029 PAYMENT		500.00	
11/05/2001	R-27522	Total Rcpt.		CR00029 PAYMENT		500.00	0.00
12/01/2001	C-20035	Total Chg.	12/01/2001 - 12/31/2001	Rentals, Temporary Permits (12/2001	500.00		500.00
	R-29446		Received: 12/05/2001	CR00020 PAYMENT		500.00	
12/05/2001	R-29446	Total Rcpt.		CR00020 PAYMENT		500.00	0.00
01/01/2002	C-21899	Total Chg.	01/01/2002 - 01/31/2002	Rentals, Temporary Permits (01/2002	500.00		500.00
	R-31850		Received: 01/09/2002	CR00010 PAYMENT		500.00	
01/09/2002	R-31850	Total Rcpt.		CR00010 PAYMENT		500.00	0.00
02/01/2002	C-23282	Total Chg.	02/01/2002 - 02/28/2002	Rentals, Temporary Permits (02/2002	500.00		500.00
	R-33890		Received: 02/05/2002	CR00013 PAYMENT		500.00	
02/01/2002	R-33890	Total Rcpt.		CR00013 PAYMENT		500.00	0.00

Tenant Ledger
rp6040
JOHN K. & JUNFDAL F HASHIMOTO

Date	Ref. #	App To	Billing Period	Description	Charges	Payments	Balance
02/05/2002	R-33890	Total Rcpt.		CR00013 PAYMENT		500.00	0.00
03/01/2002	C-24723	Total Chg.	03/01/2002 - 03/31/2002	Rentals, Temporary Permits (03/2002)	500.00		500.00
	R-36568	Received	03/01/2002	CR00006 PAYMENT		500.00	
03/11/2002	R-36568	Total Rcpt.		CR00006 PAYMENT		500.00	0.00
04/01/2002	C-26182	Total Chg.	04/01/2002 - 04/30/2002	Rentals, Temporary Permits (04/2002)	500.00		500.00
	R-38462	Received	04/03/2002	CR00018 PAYMENT		500.00	
04/03/2002	R-38452	Total Rcpt.		CR00018 PAYMENT		500.00	0.00
05/01/2002	C-27764	Total Chg.	05/01/2002 - 05/31/2002	Rentals, Temporary Permits (05/2002)	500.00		500.00
	R-40877	Received	05/03/2002	CR00014 PAYMENT		500.00	
05/03/2002	R-40877	Total Rcpt.		CR00014 PAYMENT		500.00	0.00
06/01/2002	C-29257	Total Chg.	06/01/2002 - 06/30/2002	Rentals, Temporary Permits (06/2002)	500.00		500.00
	R-43168	Received	06/05/2002	CR00032 PAYMENT		500.00	
06/05/2002	R-43155	Total Rcpt.		CR00032 PAYMENT		500.00	0.00
07/01/2002	C-31024	Total Chg.	07/01/2002 - 07/31/2002	Rentals, Temporary Permits (07/2002)	500.00		500.00
	R-45711	Received	07/08/2002	CR00009 PAYMENT		500.00	
07/03/2002	R-45711	Total Rcpt.		CR00009 PAYMENT		500.00	0.00
08/01/2002	C-32597	Total Chg.	08/01/2002 - 08/31/2002	Rentals, Temporary Permits (08/2002)	500.00		500.00
	R-48014	Received	08/05/2002	CR00065 PAYMENT		500.00	
08/05/2002	R-48014	Total Rcpt.		CR00065 PAYMENT		500.00	0.00
09/01/2002	C-33874	Total Chg.	09/01/2002 - 09/30/2002	Rentals, Temporary Permits (09/2002)	500.00		500.00
	R-50300	Received	09/09/2002	CR00024 PAYMENT		500.00	
09/09/2002	R-50300	Total Rcpt.		CR00024 PAYMENT		500.00	0.00
10/01/2002	C-35185	Total Chg.	10/01/2002 - 10/31/2002	Rentals, Temporary Permits (10/2002)	500.00		500.00
	R-54640	Received	11/04/2002	CR00019 PAYMENT		500.00	
11/01/2002	C-36643	Total Chg.	11/01/2002 - 11/30/2002	Rentals, Temporary Permits (11/2002)	500.00		1,000.00
	R-56262	Received	12/02/2002	CR00032 PAYMENT		500.00	
11/04/2002	R-54640	Total Rcpt.		CR00019 PAYMENT		500.00	500.00
12/01/2002	C-38233	Total Chg.	12/01/2002 - 12/31/2002	Rentals, Temporary Permits (12/2002)	500.00		1,000.00
	R-58253	Received	12/02/2002	CR00033 PAYMENT		500.00	
12/02/2002	R-56252	Total Rcpt.		CR00032 PAYMENT		500.00	500.00
12/02/2002	R-56253	Total Rcpt.		CR00033 PAYMENT		500.00	0.00
01/01/2003	C-39930	Total Chg.	01/01/2003 - 01/31/2003	Rentals, Temporary Permits (01/2003)	500.00		500.00
	R-60872	Received	01/14/2003	CR00013 PAYMENT		500.00	
01/14/2003	R-59025	Total Rcpt.		CR00013 PAYMENT		500.00	0.00
02/01/2003	C-41591	Total Chg.	02/01/2003 - 02/28/2003	Rentals, Temporary Permits (02/2003)	500.00		500.00
	R-60872	Received	02/07/2003	CR00009 PAYMENT		500.00	
02/07/2003	R-60872	Total Rcpt.		CR00009 PAYMENT		500.00	0.00
03/01/2003	C-43052	Total Chg.	03/01/2003 - 03/31/2003	Rentals, Temporary Permits (03/2003)	500.00		500.00
	R-63068	Received	03/10/2003	CR00020 PAYMENT		500.00	
03/10/2003	R-63068	Total Rcpt.		CR00020 PAYMENT		500.00	0.00
04/01/2003	C-44417	Total Chg.	04/01/2003 - 04/30/2003	Rentals, Temporary Permits (04/2003)	500.00		500.00
	R-64874	Received	04/04/2003	CR00015 PAYMENT		500.00	
04/04/2003	R-64874	Total Rcpt.		CR00015 PAYMENT		500.00	0.00
05/01/2003	C-45888	Total Chg.	05/01/2003 - 05/31/2003	Rentals, Temporary Permits (05/2003)	500.00		500.00
	R-67205	Received	05/08/2003	CR00010 PAYMENT		500.00	
05/08/2003	R-67205	Total Rcpt.		CR00010 PAYMENT		500.00	0.00

Tenant Ledger
rp6040
JOHN K. & JUNEDAI F HASHIMOTO

Date	Ref. #	App To	Billing Period	Description	Charges	Payments	Balance
06/01/2003	C-47444	Total Chg.	06/01/2003 - 06/30/2003	Rentals, Temporary Permits (06/2003)	500.00		500.00
	R-69207	Received:	06/05/2003	CR00043 PAYMENT		500.00	
06/05/2003	R-69207	Total Rcpt.		CR00043 PAYMENT		500.00	0.00
07/01/2003	C-48959	Total Chg.	07/01/2003 - 07/31/2003	Rentals, Temporary Permits (07/2003)	500.00		500.00
	R-72548	Received:	07/09/2003	CR00017 PAYMENT		500.00	
07/08/2003	R-72548	Total Rcpt.		CR00017 PAYMENT		500.00	0.00
08/01/2003	C-50486	Total Chg.	08/01/2003 - 08/31/2003	Rentals, Temporary Permits (08/2003)	500.00		500.00
	R-77260	Received:	09/05/2003	CR00018 PAYMENT		500.00	
09/01/2003	C-51962	Total Chg.	09/01/2003 - 09/30/2003	Rentals, Temporary Permits (09/2003)	500.00		1,000.00
	R-77260	Received:	09/05/2003	CR00018 PAYMENT		500.00	
09/05/2003	R-77260	Total Rcpt.		CR00018 PAYMENT		1,000.00	0.00
10/01/2003	C-53339	Total Chg.	10/01/2003 - 10/31/2003	Rentals, Temporary Permits (10/2003)	500.00		500.00
	R-79730	Received:	10/09/2003	CR00006 PAYMENT		500.00	
10/09/2003	R-79730	Total Rcpt.		CR00006 PAYMENT		500.00	0.00
11/01/2003	C-54794	Total Chg.	11/01/2003 - 11/30/2003	Rentals, Temporary Permits (11/2003)	500.00		500.00
	R-82217	Received:	11/07/2003	CR00010 PAYMENT		500.00	
11/07/2003	R-82217	Total Rcpt.		CR00010 PAYMENT		500.00	0.00
12/01/2003	C-56381	Total Chg.	12/01/2003 - 12/31/2003	Rentals, Temporary Permits (12/2003)	500.00		500.00
	R-84071	Received:	12/05/2003	CR00049 PAYMENT		500.00	
12/03/2003	R-84071	Total Rcpt.		CR00049 PAYMENT		500.00	0.00
01/01/2004	C-58150	Total Chg.	01/01/2004 - 01/31/2004	Rentals, Temporary Permits (01/2004)	500.00		500.00
	R-86431	Received:	01/07/2004	CR00009 PAYMENT		500.00	
01/07/2004	R-86431	Total Rcpt.		CR00009 PAYMENT		500.00	0.00
02/01/2004	C-59590	Total Chg.	02/01/2004 - 02/29/2004	Rentals, Temporary Permits (02/2004)	500.00		500.00
	R-88900	Received:	02/05/2004	CR00009 PAYMENT		500.00	
02/05/2004	R-88900	Total Rcpt.		CR00009 PAYMENT		500.00	0.00
03/01/2004	C-61092	Total Chg.	03/01/2004 - 03/31/2004	Rentals, Temporary Permits (03/2004)	500.00		500.00
	R-91305	Received:	03/12/2004	CR00012 PAYMENT		500.00	
03/12/2004	R-91305	Total Rcpt.		CR00012 PAYMENT		500.00	0.00
04/01/2004	C-62511	Total Chg.	04/01/2004 - 04/30/2004	Rentals, Temporary Permits (04/2004)	500.00		500.00
	R-93118	Received:	04/07/2004	CR00030 PAYMENT		500.00	
04/07/2004	R-93118	Total Rcpt.		CR00030 PAYMENT		500.00	0.00
05/01/2004	C-64073	Total Chg.	05/01/2004 - 05/31/2004	Rentals, Temporary Permits (05/2004)	500.00		500.00
	R-95039	Received:	05/06/2004	CR00017 PAYMENT		500.00	
05/06/2004	R-95039	Total Rcpt.		CR00017 PAYMENT		3,056.00	-2,556.00
05/18/2004	R-95726	Total Rcpt.		CR00055 PAYMENT		2,056.00	-4,612.00
06/01/2004	C-65633	Total Chg.	06/01/2004 - 06/30/2004	Rentals, Temporary Permits (06/2004)	3,556.00		-1,056.00
	R-97897	Received:	06/01/2004	CR00026 PAYMENT		2,000.00	
	R-98764	Received:	06/25/2004	CR00014 PAYMENT		2,000.00	
06/01/2004	R-96955	Total Rcpt.		CR00089 PAYMENT		1,500.00	-2,556.00
06/14/2004	R-97897	Total Rcpt.		CR00026 PAYMENT		2,000.00	-4,556.00
06/25/2004	R-98764	Total Rcpt.		CR00014 PAYMENT		2,000.00	-6,556.00
06/30/2004	C-64737	Total Chg.	M004705 04/30/2004	ADDITIONAL RENT 4/1/04-5/31/04	6,112.00		-444.00
	R-98939	Received:	05/06/2004	CR00017 PAYMENT		2,056.00	
	R-98926	Received:	05/18/2004	CR00055 PAYMENT		2,056.00	
	R-98956	Received:	06/01/2004	CR00009 PAYMENT		1,500.00	
07/01/2004	C-67226	Total Chg.	07/01/2004 - 07/31/2004	Rentals, Temporary Permits (07/2004)	3,556.00		3,112.00
	R-98764	Received:	08/25/2004	CR00014 PAYMENT		444.00	

EXHIBIT "A"

Tenant Ledger
rp6040
JOHN K. & JUNEDALE HASHIMOTO

Date	Ref. #	App To	Billing Period	Description	Charges	Payments	Balance
		R-100004	Received: 07/06/2004	CR00038 PAYMENT		1,556.00	
		R-100864	Received: 07/26/2004	CR00046 PAYMENT		1,556.00	
07/06/2004	R-100004	Total Rcpt.		CR00038 PAYMENT		1,556.00	1,556.00
07/26/2004	R-100864	Total Rcpt.		CR00046 PAYMENT		2,000.00	-444.00
08/01/2004	C-68673	Total Chg.	08/01/2004 - 08/31/2004	Rentals, Temporary Permits (08/2004)	3,556.00		3,112.00
		R-100864	Received: 07/26/2004	CR00046 PAYMENT		444.00	
		R-102848	Received: 08/16/2004	CR00033 PAYMENT		2,500.00	
		R-103398	Received: 08/24/2004	CR00025 PAYMENT		612.00	
08/16/2004	R-102848	Total Rcpt.		CR00033 PAYMENT		2,500.00	612.00
08/24/2004	R-103398	Total Rcpt.		CR00025 PAYMENT		1,056.00	-444.00
09/01/2004	C-70267	Total Chg.	09/01/2004 - 09/30/2004	Rentals, Temporary Permits (09/2004)	3,556.00		3,112.00
		R-103398	Received: 08/24/2004	CR00025 PAYMENT		444.00	
		R-104981	Received: 09/14/2004	CR00009 PAYMENT		3,000.00	
		R-105960	Received: 09/28/2004	CR00031 PAYMENT		556.00	
09/14/2004	R-104981	Total Rcpt.		CR00009 PAYMENT		3,000.00	112.00
09/28/2004	R-105960	Total Rcpt.		CR00031 PAYMENT		556.00	-444.00
10/01/2004	C-71590	Total Chg.	10/01/2004 - 10/31/2004	Rentals, Temporary Permits (10/2004)	3,556.00		3,112.00
		R-105960	Received: 09/28/2004	CR00031 PAYMENT		444.00	
		R-109957	Received: 11/19/2004	CR00010 PAYMENT		3,112.00	
11/01/2004	C-73055	Total Chg.	11/01/2004 - 11/30/2004	Rentals, Temporary Permits (11/2004)	3,556.00		6,668.00
		R-109957	Received: 11/19/2004	CR00010 PAYMENT		3,556.00	
11/19/2004	R-109957	Total Rcpt.		CR00010 PAYMENT		7,112.00	-444.00
12/01/2004	C-74669	Total Chg.	12/01/2004 - 12/31/2004	Rentals, Temporary Permits (12/2004)	3,556.00		3,112.00
		R-109957	Received: 11/19/2004	CR00010 PAYMENT		444.00	
		R-111283	Received: 12/06/2004	CR00061 PAYMENT		2,000.00	
		R-111968	Received: 12/20/2004	CR00052 PAYMENT		1,112.00	
12/06/2004	R-111283	Total Rcpt.		CR00061 PAYMENT		2,000.00	1,112.00
12/20/2004	R-111968	Total Rcpt.		CR00052 PAYMENT		1,556.00	-444.00
01/01/2005	C-76352	Total Chg.	01/01/2005 - 01/31/2005	Rentals, Temporary Permits (01/2005)	3,556.00		3,112.00
		R-111968	Received: 12/20/2004	CR00052 PAYMENT		3,112.00	
		R-113098	Received: 01/03/2005	CR00103 PAYMENT		444.00	
01/03/2005	R-113098	Total Rcpt.		CR00103 PAYMENT		3,556.00	-444.00
02/01/2005	C-77749	Total Chg.	02/01/2005 - 02/28/2005	Rentals, Temporary Permits (02/2005)	3,556.00		3,112.00
		R-113098	Received: 01/03/2005	CR00103 PAYMENT		444.00	
		R-116308	Received: 02/11/2005	CR00007 PAYMENT		3,112.00	
02/11/2005	R-116308	Total Rcpt.		CR00007 PAYMENT		3,556.00	-444.00
03/01/2005	C-79339	Total Chg.	03/01/2005 - 03/31/2005	Rentals, Temporary Permits (03/2005)	3,556.00		3,112.00
		R-116308	Received: 02/11/2005	CR00007 PAYMENT		444.00	
		R-122430	Received: 04/29/2005	CR00039 PAYMENT		3,112.00	
04/01/2005	C-80753	Total Chg.	04/01/2005 - 04/30/2005	Rentals, Temporary Permits (04/2005)	3,556.00		6,668.00
		R-122430	Received: 04/29/2005	CR00039 PAYMENT		3,556.00	
04/29/2005	R-122430	Total Rcpt.		CR00039 PAYMENT		7,112.00	-444.00
05/01/2005	C-82271	Total Chg.	05/01/2005 - 05/31/2005	Rentals, Temporary Permits (05/2005)	3,556.00		3,112.00
		R-122430	Received: 04/29/2005	CR00039 PAYMENT		444.00	
		R-126373	Received: 06/08/2005	CR00015 PAYMENT		3,112.00	
06/01/2005	C-83867	Total Chg.	06/01/2005 - 06/30/2005	Rentals, Temporary Permits (06/2005)	3,556.00		6,668.00
		R-126373	Received: 06/08/2005	CR00015 PAYMENT		3,556.00	
06/09/2005	R-125378	Total Rcpt.		CR00015 PAYMENT		6,900.00	-232.00
07/01/2005	C-85441	Total Chg.	07/01/2005 - 07/31/2005	Rentals, Temporary Permits (07/2005)	3,556.00		3,324.00

Tenant Ledger
rp6040
JOHN K. & JUNEDALE HASHIMOTO

Date	Ref. #	App To	Billing Period	Description	Charges	Payments	Balance
	R-125378		Received: 06/05/2005	CR00016 PAYMENT		552.00	
	R-131893		Received: 08/29/2005	CR00056 PAYMENT		8,324.00	
08/01/2005	C-86826	Total Chg.	08/01/2005 - 08/31/2005	Rentals, Temporary Permits (08/2005)	3,556.00		6,880.00
	R-131893		Received: 08/29/2005	CR00056 PAYMENT		444.00	
	R-134145		Received: 08/23/2005	CR00030 PAYMENT		8,112.00	
08/29/2005	R-131893	Total Rcpt.		CR00050 PAYMENT		3,768.00	3,112.00
09/01/2005	C-88271	Total Chg.	09/01/2005 - 09/30/2005	Rentals, Temporary Permits (09/2005)	3,556.00		6,668.00
	R-134145		Received: 09/23/2005	CR00030 PAYMENT		444.00	
	R-138294		Received: 11/16/2005	CR00005 PAYMENT		8,112.00	
09/23/2005	R-134146	Total Rcpt.		CR00030 PAYMENT		3,556.00	3,112.00
10/01/2005	C-89733	Total Chg.	10/01/2005 - 10/31/2005	Rentals, Temporary Permits (10/2005)	3,556.00		6,668.00
	R-142717		Received: 01/17/2006	CR00009 PAYMENT		1,712.00	
	R-145950		Received: 02/27/2006	CR00051 PAYMENT		2,444.00	
11/01/2005	C-91235	Total Chg.	11/01/2005 - 11/30/2005	Rentals, Temporary Permits (11/2005)	3,556.00		10,224.00
	R-142717		Received: 01/17/2006	CR00009 PAYMENT		2,444.00	
	R-145950		Received: 02/27/2006	CR00051 PAYMENT		5,112.00	
11/16/2005	R-138294	Total Rcpt.		CR00008 PAYMENT		5,556.00	4,668.00
12/01/2005	C-92774	Total Chg.	12/01/2005 - 12/31/2005	Rentals, Temporary Permits (12/2005)	3,556.00		8,224.00
	R-145950		Received: 02/27/2006	CR00051 PAYMENT		1,888.00	
	R-149114		Received: 04/03/2006	CR00065 PAYMENT		1,556.00	
01/01/2006	C-94490	Total Chg.	01/01/2006 - 01/31/2006	Rentals, Temporary Permits (01/2006)	3,556.00		11,780.00
	R-149114		Received: 01/09/2006	CR00065 PAYMENT		600.00	
	R-149998		Received: 04/20/2006	CR00019 PAYMENT		1,556.00	
	R-151877		Received: 05/09/2006	CR00011 PAYMENT		1,112.00	
01/17/2006	R-142717	Total Rcpt.		CR00009 PAYMENT		3,556.00	8,224.00
02/01/2006	C-95915	Total Chg.	02/01/2006 - 02/28/2006	Rentals, Temporary Permits (02/2006)	3,556.00		11,780.00
	R-151877		Received: 05/09/2006	CR00011 PAYMENT		1,444.00	
	R-154017		Received: 06/01/2006	CR00049 PAYMENT		2,000.00	
	R-156359		Received: 06/30/2006	CR00047 PAYMENT		1,112.00	
02/27/2006	R-145950	Total Rcpt.		CR00051 PAYMENT		3,000.00	8,780.00
03/01/2006	C-97307	Total Chg.	03/01/2006 - 03/31/2006	Rentals, Temporary Permits (03/2006)	3,556.00		12,336.00
	R-156359		Received: 06/30/2006	CR00047 PAYMENT		1,556.00	
	R-156188		Received: 07/24/2006	CR00015 PAYMENT		1,556.00	
04/01/2006	C-98645	Total Chg.	04/01/2006 - 04/30/2006	Rentals, Temporary Permits (04/2006)	3,556.00		15,892.00
	R-156188		Received: 07/24/2006	CR00015 PAYMENT		3,000.00	
	R-162599		Received: 09/08/2006	CR00050 PAYMENT		3,000.00	
	R-155871		Received: 10/15/2006	CR00010 PAYMENT		2,444.00	
04/03/2006	R-149114	Total Rcpt.		CR00065 PAYMENT		2,556.00	13,336.00
04/20/2006	R-149998	Total Rcpt.		CR00019 PAYMENT		1,556.00	11,780.00
05/01/2006	C-100044	Total Chg.	05/01/2006 - 05/31/2006	Rentals, Temporary Permits (05/2006)	3,556.00		15,336.00
	R-163871		Received: 10/23/2006	CR00002 PAYMENT		2,992.00	
	R-163806		Received: 10/23/2006	CR00002 PAYMENT		2,444.00	
05/09/2006	R-151877	Total Rcpt.		CR00011 PAYMENT		2,556.00	12,780.00
06/01/2006	C-101628	Total Chg.	06/01/2006 - 06/30/2006	Rentals, Temporary Permits (06/2006)	3,556.00		16,336.00
	R-163806		Received: 10/23/2006	CR00002 PAYMENT		3,556.00	
06/01/2006	R-154017	Total Rcpt.		CR00049 PAYMENT		2,000.00	14,336.00
06/30/2006	R-156359	Total Rcpt.		CR00047 PAYMENT		2,000.00	12,336.00
07/01/2006	C-103172	Total Chg.	07/01/2006 - 07/31/2006	Rentals, Temporary Permits (07/2006)	3,556.00		15,892.00
	R-166906		Received: 10/23/2006	CR00002 PAYMENT		3,556.00	

Tenant Ledger
rp6040
JOHN K. & JUNEDALE HASHIMOTO

Date	Ref. #	App To	Billing Period	Description	Charges	Payments	Balance
07/24/2006	R-158198	Total Rcpt.		CR00018 PAYMENT		2,000.00	13,892.00
08/01/2006	C-104554	Total Chg.	08/01/2006 - 08/31/2006	Rentals, Temporary Permits (08/2006)	3,556.00		17,448.00
	R-166306	Received:	10/23/2006	CR00002 PAYMENT		3,556.00	
09/01/2006	C-105984	Total Chg.	09/01/2006 - 09/30/2006	Rentals, Temporary Permits (09/2006)	3,556.00		21,004.00
	R-166306	Received:	10/23/2006	CR00002 PAYMENT		3,556.00	
09/05/2006	R-162509	Total Rcpt.		CR00050 PAYMENT		3,000.00	18,004.00
10/01/2006	C-107315	Total Chg.	10/01/2006 - 10/31/2006	Rentals, Temporary Permits (10/2006)	3,556.00		21,560.00
	R-166306	Received:	10/23/2006	CR00002 PAYMENT		3,556.00	
10/16/2006	R-165971	Total Rcpt.		CR00010 PAYMENT		3,556.00	18,004.00
10/23/2006	R-166306	Total Rcpt.		CR00002 PAYMENT		21,560.00	-3,556.00
11/01/2006	C-108635	Total Chg.	11/01/2006 - 11/30/2006	Rentals, Temporary Permits (11/2006)	3,556.00		0.00
	R-166306	Received:	10/23/2006	CR00002 PAYMENT		3,556.00	
12/01/2006	C-110026	Total Chg.	12/01/2006 - 12/31/2006	Rentals, Temporary Permits (12/2006)	3,556.00		3,556.00
	R-170768	Received:	12/06/2006	CR00007 PAYMENT		3,556.00	
12/06/2006	R-170768	Total Rcpt.		CR00037 PAYMENT		3,556.00	0.00
01/01/2007	C-111444	Total Chg.	01/01/2007 - 01/31/2007	Rentals, Temporary Permits (01/2007)	3,556.00		3,556.00
	R-173261	Received:	01/18/2007	CR00007 PAYMENT		3,556.00	
01/19/2007	R-173261	Total Rcpt.		CR00007 PAYMENT		3,556.00	0.00
02/01/2007	C-112892	Total Chg.	02/01/2007 - 02/28/2007	Rentals, Temporary Permits (02/2007)	3,556.00		3,556.00
	R-173261	Received:	02/21/2007	CR00006 PAYMENT		3,556.00	
02/21/2007	R-175925	Total Rcpt.		CR00036 PAYMENT		3,556.00	0.00
03/01/2007	C-114222	Total Chg.	03/01/2007 - 03/31/2007	Rentals, Temporary Permits (03/2007)	3,556.00		3,556.00
	R-173408	Received:	03/22/2007	CR00020 PAYMENT		2,556.00	
	R-180464	Received:	04/18/2007	CR00043 PAYMENT		1,000.00	
03/22/2007	R-178408	Total Rcpt.		CR00020 PAYMENT		2,556.00	1,000.00
04/01/2007	C-115785	Total Chg.	04/01/2007 - 04/30/2007	Rentals, Temporary Permits (04/2007)	3,556.00		4,556.00
	R-187611	Received:	07/08/2007	CR00040 PAYMENT		3,556.00	
04/18/2007	R-180464	Total Rcpt.		CR00043 PAYMENT		1,000.00	3,556.00
05/01/2007	C-117138	Total Chg.	05/01/2007 - 05/31/2007	Rentals, Temporary Permits (05/2007)	3,556.00		7,112.00
	R-189063	Received:	07/01/2007	CR00041 PAYMENT		3,556.00	
06/01/2007	C-118572	Total Chg.	06/01/2007 - 06/30/2007	Rentals, Temporary Permits (06/2007)	3,556.00		10,668.00
	R-189063	Received:	06/26/2007	CR00057 PAYMENT		3,556.00	
07/01/2007	C-120080	Total Chg.	07/01/2007 - 07/31/2007	Rentals, Temporary Permits (07/2007)	3,556.00		14,224.00
	R-195216	Received:	10/27/2007	CR00003 PAYMENT		3,556.00	
07/06/2007	R-187611	Total Rcpt.		CR00040 PAYMENT		3,556.00	10,668.00
07/31/2007	R-189063	Total Rcpt.		CR00041 PAYMENT		3,556.00	7,112.00
08/01/2007	C-121327	Total Chg.	08/01/2007 - 08/31/2007	Rentals, Temporary Permits (08/2007)	3,556.00		10,668.00
	R-109178	Received:	11/09/2007	CR00048 PAYMENT		3,556.00	
09/01/2007	C-122604	Total Chg.	09/01/2007 - 09/30/2007	Rentals, Temporary Permits (09/2007)	3,556.00		14,224.00
	R-201858	Received:	09/06/2008	CR00004 PAYMENT		3,556.00	
09/26/2007	R-193890	Total Rcpt.		CR00057 PAYMENT		3,556.00	10,668.00
10/01/2007	C-123845	Total Chg.	10/01/2007 - 10/31/2007	Rentals, Temporary Permits (10/2007)	3,556.00		14,224.00
	R-208203	Received:	02/28/2008	CR00032 PAYMENT		3,556.00	
10/17/2007	R-195216	Total Rcpt.		CR00003 PAYMENT		3,556.00	10,668.00
11/01/2007	C-125098	Total Chg.	11/01/2007 - 11/30/2007	Rentals, Temporary Permits (11/2007)	3,556.00		14,224.00
	R-209113	Received:	04/02/2008	CR00021 PAYMENT		3,556.00	

Tenant Ledger
rp6040
JOHN K. & JUNEDALE HASHIMOTO

Date	Ref. #	App To	Billing Period	Description	Charges	Payments	Balance
11/30/2007	R-199176	Total Rcpt.		CR00048 PAYMENT		3,556.00	10,668.00
12/01/2007	C-126431	Total Chg.	12/01/2007 - 12/31/2007	Rentals, Temporary Permits (12/2007)	3,556.00		14,224.00
	R-214494	Received:	05/04/2008	CR00019 PAYMENT		3,556.00	
01/01/2008	C-127835	Total Chg.	01/01/2008 - 01/31/2008	Rentals, Temporary Permits (01/2008)	3,556.00		17,780.00
	R-217505	Received:	07/10/2008	CR00008 PAYMENT		3,556.00	
01/09/2008	R-201858	Total Rcpt.		CR00009 PAYMENT		3,556.00	14,224.00
02/01/2008	C-129049	Total Chg.	02/01/2008 - 02/29/2008	Rentals, Temporary Permits (02/2008)	3,556.00		17,780.00
	R-220568	Received:	08/19/2008	CR00019 PAYMENT		3,556.00	
02/28/2008	R-206203	Total Rcpt.		CR00052 PAYMENT		3,556.00	14,224.00
03/01/2008	C-130251	Total Chg.	03/01/2008 - 03/31/2008	Rentals, Temporary Permits (03/2008)	3,556.00		17,780.00
	R-224940	Received:	10/09/2008	CR00000 PAYMENT		3,556.00	
04/01/2008	C-131615	Total Chg.	04/01/2008 - 04/30/2008	Rentals, Temporary Permits (04/2008)	3,556.00		21,336.00
	R-227481	Received:	10/31/2008	CR00019 PAYMENT		3,556.00	
04/02/2008	R-209113	Total Rcpt.		CR00021 PAYMENT		3,556.00	17,780.00
05/01/2008	C-132878	Total Chg.	05/01/2008 - 05/31/2008	Rentals, Temporary Permits (05/2008)	3,556.00		21,336.00
	R-230425	Received:	12/02/2008	CR00025 PAYMENT		3,556.00	
06/01/2008	C-134187	Total Chg.	06/01/2008 - 06/30/2008	Rentals, Temporary Permits (06/2008)	3,556.00		24,892.00
		Balance Due	06/01/2008 - 06/30/2008	Rentals, Temporary Permits (06/2008)	3,556.00		
06/04/2008	R-214494	Total Rcpt.		CR00019 PAYMENT		3,556.00	21,336.00
07/01/2008	C-135706	Total Chg.	07/01/2008 - 07/31/2008	Rentals, Temporary Permits (07/2008)	3,556.00		24,892.00
		Balance Due	07/01/2008 - 07/31/2008	Rentals, Temporary Permits (07/2008)	3,556.00		
07/10/2008	R-217505	Total Rcpt.		CR00008 PAYMENT		3,556.00	21,336.00
08/01/2008	C-136990	Total Chg.	08/01/2008 - 08/31/2008	Rentals, Temporary Permits (08/2008)	3,556.00		24,892.00
		Balance Due	08/01/2008 - 08/31/2008	Rentals, Temporary Permits (08/2008)	3,556.00		
08/19/2008	R-220568	Total Rcpt.		CR00019 PAYMENT		3,556.00	21,336.00
09/01/2008	C-138252	Total Chg.	09/01/2008 - 09/30/2008	Rentals, Temporary Permits (09/2008)	3,556.00		24,892.00
		Balance Due	09/01/2008 - 09/30/2008	Rentals, Temporary Permits (09/2008)	3,556.00		
10/01/2008	C-139749	Total Chg.	10/01/2008 - 10/31/2008	Rentals, Temporary Permits (10/2008)	3,556.00		28,448.00
		Balance Due	10/01/2008 - 10/31/2008	Rentals, Temporary Permits (10/2008)	3,556.00		
10/09/2008	R-224840	Total Rcpt.		CR00004 PAYMENT		3,556.00	24,892.00
10/31/2008	R-227481	Total Rcpt.		CR00019 PAYMENT		3,556.00	21,336.00
11/01/2008	C-141066	Total Chg.	11/01/2008 - 11/30/2008	Rentals, Temporary Permits (11/2008)	3,556.00		24,892.00
		Balance Due	11/01/2008 - 11/30/2008	Rentals, Temporary Permits (11/2008)	3,556.00		
12/01/2008	C-142888	Total Chg.	12/01/2008 - 12/31/2008	Rentals, Temporary Permits (12/2008)	3,556.00		28,448.00
		Balance Due	12/01/2008 - 12/31/2008	Rentals, Temporary Permits (12/2008)	3,556.00		
12/02/2008	R-230425	Total Rcpt.		CR00025 PAYMENT		3,556.00	24,892.00
01/01/2009	C-144554	Total Chg.	01/01/2009 - 01/31/2009	Rentals, Temporary Permits (01/2009)	3,556.00		28,448.00
		Balance Due	01/01/2009 - 01/31/2009	Rentals, Temporary Permits (01/2009)	3,556.00		

CURRENT	1-30			TOTAL DUE
0.00	3,556.00	3,556.00	21,336.00	28,448.00

<u>Month rent owed</u>	<u>Monthly rent charge</u>	<u>Date rent paid</u>	<u>Monthly rent paid</u>
1/1/2007	\$3,556	1/19/2007	\$3,556
2/1/2007	\$3,556	2/21/2007	\$3,556
3/1/2007	\$3,556	3/22/2007	\$2,556
		4/18/2007	\$1,000
4/1/2007	\$3,556	7/6/2007	\$3,556
5/1/2007	\$3,556	7/31/2007	\$3,556
6/1/2007	\$3,556	9/26/2007	\$3,556
7/1/2007	\$3,556	10/17/2007	\$3,556
8/1/2007	\$3,556	11/30/2007	\$3,556
9/1/2007	\$3,556	1/9/2008	\$3,556
10/1/2007	\$3,556	2/28/2008	\$3,556
11/1/2007	\$3,556	4/2/2008	\$3,556
12/1/2007	\$3,556	6/4/2008	\$3,556

EXHIBIT "C"

<u>Month rent owed</u>	<u>Monthly rent charge</u>	<u>Date rent paid</u>	<u>Monthly rent paid</u>
1/1/2008	\$3,556	7/10/2008	\$3,556
2/1/2008	\$3,556	8/19/2008	\$3,556
3/1/2008	\$3,556	10/9/2008	\$3,556
4/1/2008	\$3,556	12/2/2008	\$3,556
5/1/2008	\$3,556		
6/1/2008	\$3,556		
7/1/2008	\$3,556		
8/1/2008	\$3,556		
9/1/2008	\$3,556		
10/1/2008	\$3,556		
11/1/2008	\$3,556		
12/1/2008	\$3,556		

EXHIBIT "c"

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

March 27, 2009

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

Kauai

Request to Extend Forfeiture of Revocable Permit No. S-6040, John K. Hashimoto and Junedale U. Hashimoto, Permittee, Anini, Hanalei, Kauai Tax Map Key: (4) 5-3-07:5

BACKGROUND:

The Land Board at its meeting of January 23, 2009, under Agenda item D-1, approved staff's recommendation to authorize the forfeiture of Revocable Permit No. S-6040, but deferred forfeiture for 60 days for staff to work with the tenant on a realistic payment plan (schedule). Furthermore, the Board instructed staff to research the possibility of reducing the rent prospectively. The 60-day period is from January 23, 2009 to March 23, 2009.

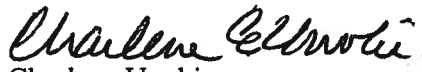
By letter dated March 5, 2009, Mr. Clyde Namuo, Administrator for the Office of Hawaiian Affairs is requesting the Land Board to extend the deadline to work with the family on a mutually acceptable solution. (Exhibit A)

Staff is okay with extending the deadline from March 23, 2009 to May 22, 2009. This is the 2nd meeting date for the Land Board.

RECOMMENDATION: That the Board:

1. Extend the deadline from March 23, 2009 to May 22, 2009.
2. All terms and conditions listed in its January 23, 2009 approval to remain the same.

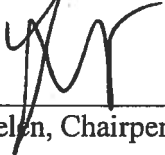
Respectfully Submitted,


Charlene Unoki
Assistant Administrator

D-3

EXHIBIT "E"

APPROVED FOR SUBMITTAL:



Laura H. Thiel, Chairperson





STATE OF HAWAII
OFFICE OF HAWAIIAN AFFAIRS
711 KAPI'OLANI BOULEVARD, SUITE 500
HONOLULU, HAWAII 96813

March 5, 2009

RECEIVED

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DEPT. OF LAND
& NATURAL RESOURCES
STATE OF HAWAII

Laura H. Thielen, Chairperson
Board of Land and Natural Resources
Kalanimoku Building
1151 Punchbowl Street
Honolulu, HI 96813

RECEIVED
LAND DIVISION
2009 MAR 12 11:24
DEPT. OF LAND
& NATURAL RESOURCES
STATE OF HAWAII

Re: **Forfeiture of Revocable Permit No. S-6040, John K. Hashimoto and Junedale U. Hashimoto, Permittee, Anini, Hanalei, Kaua'i; Tax Map Key (4) 5-3-07:5**

Aloha e Chairperson Thielen:

Recently, the above-referenced matter was brought to the attention of the Office of Hawaiian Affairs ("OHA") Board of Trustees ("BOT") by the current tenant and OHA beneficiary, Ms. Junedale Hashimoto. It is our understanding that her family has continuously resided on this property for nearly 100 years but now faces eviction due to non-payment of rent. For this reason, OHA agreed to investigate the matter. To this end, OHA staff spoke with individual family members, examined genealogical records, and reviewed relevant documents including the court records and files in the Estate of Esther Woodward Peters¹, property conveyance documents pertaining to the subject parcel executed between 1911 and 1983, various correspondence between the family and the Office of the Commissioner of Public Lands, DLNR, and the Department of the Attorney General, minutes of Board of Land and Natural Resources ("BLNR") meetings, and other relevant public records.

Our research indicates that the current tenants and their relation descend from Henry Peters, the original leaseholder of a 999-year homestead lease issued for the property in 1911.² It appears that through the years, interest in said lease was shared by various family members and eventually came to vest, in total, in Esther W. Peters. Upon her death on September 19, 1980, state statutes in effect at the time directed that all the interest in the 999-year homestead lease vest and pass to her children to hold as joint tenants.³ On July 24, 1981, however, the State executed a Special Sale Agreement with one joint interest holder, Verdelle Lum, in apparent contradiction of the statutory mandate and to the exclusion of the other joint interest holders.

¹ Probate Case No. 2516, Fifth Circuit Court, State of Hawai'i.
² See, Territory of Hawai'i, Homestead Lease No. 8 (Aug. 11, 1911).
³ See, HRS §§ 171-99(e), 560:2-102, 560:2-103, and 560:2-105 (Supp. 1980).

EXHIBIT "A"


Laura H. Thielen, Chairperson
Board of Land and Natural Resources
March 5, 2009
Page 2 of 3

The following year, said agreement was cancelled due to non-payment.⁴ For reasons unknown, however, the 999-year homestead lease was also cancelled. DLNR subsequently issued a revocable permit to relatives John and Junedale Hashimoto in 1983.⁵

It is our understanding that at a meeting held on January 23, 2009, the BLNR deferred the instant matter for a period of 60 days "for staff to work with the tenant on a realistic payment plan (schedule) ... [and] research the possibility of reducing the rent prospectively."⁶ Based on the concerns raised above, OHA believes that this matter deserves further investigation by DLNR. In the interest of fairness and in recognition of the immeasurable cultural value of preserving the connection between Hawaiian families and their homelands, OHA requests that BLNR extend the above-mentioned 60-day period to afford the current tenant and DLNR the requisite time to conduct the appropriate research and reach a mutually acceptable solution.

Thank you for your careful consideration of this matter. Should you have any questions or need additional information, please contact Ernest Kimoto, Counsel to the Administrator, at 594-1954 or erniek@oha.org.

'O wau iho nō,



Clyde W. Nāmu'o
Administrator

CWN/emk

c: OHA Board of Trustees

Ernie Kimoto, Counsel to the Administrator

Kai Markell, Director, Native Rights Land and Culture

OHA Kaua'i—CRC

Camille Kalama, Esq.
Native Hawaiian Legal Corp.
1164 Bishop Street, Suite 1205
Honolulu, HI 96813

Mr. Bruce Lim

Aiea, HI 96701-3314

⁴ See, Special Sale Agreement No. S-5567 dated July 24, 1981.

⁵ See, Revocable Permit No. S-6040 (Aug. 30, 1983).

⁶ Minutes for the Meeting of the Board of Land and Natural Resources, p. 6 (Jan. 23, 2009).

Laura H. Thielen, Chairperson
Board of Land and Natural Resources
March 5, 2009
Page 3 of 3

Ms. Junedale Hashimoto

Hanalei, HI 96714

Ms. Jodi Hashimoto-Omo

Anahola, HI 96703

Ms. Haunani Pacheco

Kilauea, HI 96754