

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

September 26, 2014

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

PSF No.: **14KD-140**

Kauai

Issuance of Revocable Permit to Charmaine Manuel, por. Kekaha House Lots & Kekaha Residence Lots, for Pasture Purposes, Kekaha, Waimea, Kauai, Hawaii, Tax Map Key: (4) 1-3-002:030.

APPLICANT:

Charmaine Manuel, Tenant in Severalty.

LEGAL REFERENCE:

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

LOCATION:

Portion of Government lands of Kekaha situated at Kekaha, Waimea, Kauai, identified by Tax Map Key: (4) 1-3-002:030, as shown on the attached map labeled Exhibit A.

AREA:

0.40 acres, more or less.

ZONING:

State Land Use District: Urban
County of Kauai 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:

Vacant and Encumbered by Land Office Deed No. S-27,663, County of Kauai, Grantee, for drainage purposes. [area is 250 square feet] See Exhibit B.

CHARACTER OF USE:

Pasture purposes.

COMMENCEMENT DATE:

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

MONTHLY RENTAL:

To be determined by independent appraisal or by staff, subject to review and approval by the Chairperson.

COLLATERAL SECURITY DEPOSIT:

Twice the monthly rental.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with Hawaii Administrative Rule Sections 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." See Exhibit C.

DCCA VERIFICATION:

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

REMARKS:

This parcel is a remnant portion of General Lease No. S-4222 to Kekaha Sugar Company, and was mainly used as a storage area for sugar cane bins used by the trucks to haul cut sugar cane to the mill for processing. Kekaha Sugar Company ceased operations in 2000.

Applicant's family raises horses used in hunting in Kokee. Her pasture lease from Gay & Robinson, Inc. was not renewed as the landowner had other plans for the parcel.

Applicant has only two (2) horses remaining and wants someplace close to her residence to pasture them. She resides across Kekaha Road from this parcel.

This parcel is zoned residential but immediately in the rear of this property and along the rear of Kekaha House Lots are vacant sugar cane lands that are now under the control of Department of Agriculture, Agribusiness Development Corporation, for intensive agriculture purposes.

Comments were solicited from the agencies identified below with the results indicated.

State Agencies:

DOH	No objections, no environmental health concerns
DLNR – Historic Preserv.	No response by suspense date
OHA	No position on the grant or denial of RP
DOA - ADC	No objections or comments

County Agencies:

County Planning	No response by suspense date
Public Works	No objections

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.

There were no other applications turned in requesting this parcel as of the time of writing this board submittal.

Month-to-month tenancy is more appropriate than long-term disposition in this case as applicant is not sure that the family will continue using horses to hunt in the near future.

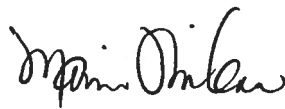
The proposed use as pasture is expected to result in no known significant impacts, whether immediate or cumulative, to the natural, environmental and/or cultural resources in the area. As such, staff believes that the proposed use would involve negligible or no expansion or change in use of the subject area beyond that previously existing.

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 Charmaine Manuel covering the subject area for pasture purposes under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:

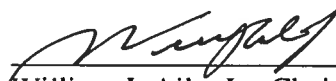
- a. The standard terms and conditions of the most current revocable permit form, as may be amended from time to time;
- b. Review and approval by the Department of the Attorney General; and
- c. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,



Marvin Mikasa
Acting District Land Agent

APPROVED FOR SUBMITTAL:



William J. Aila, Jr., Chairperson



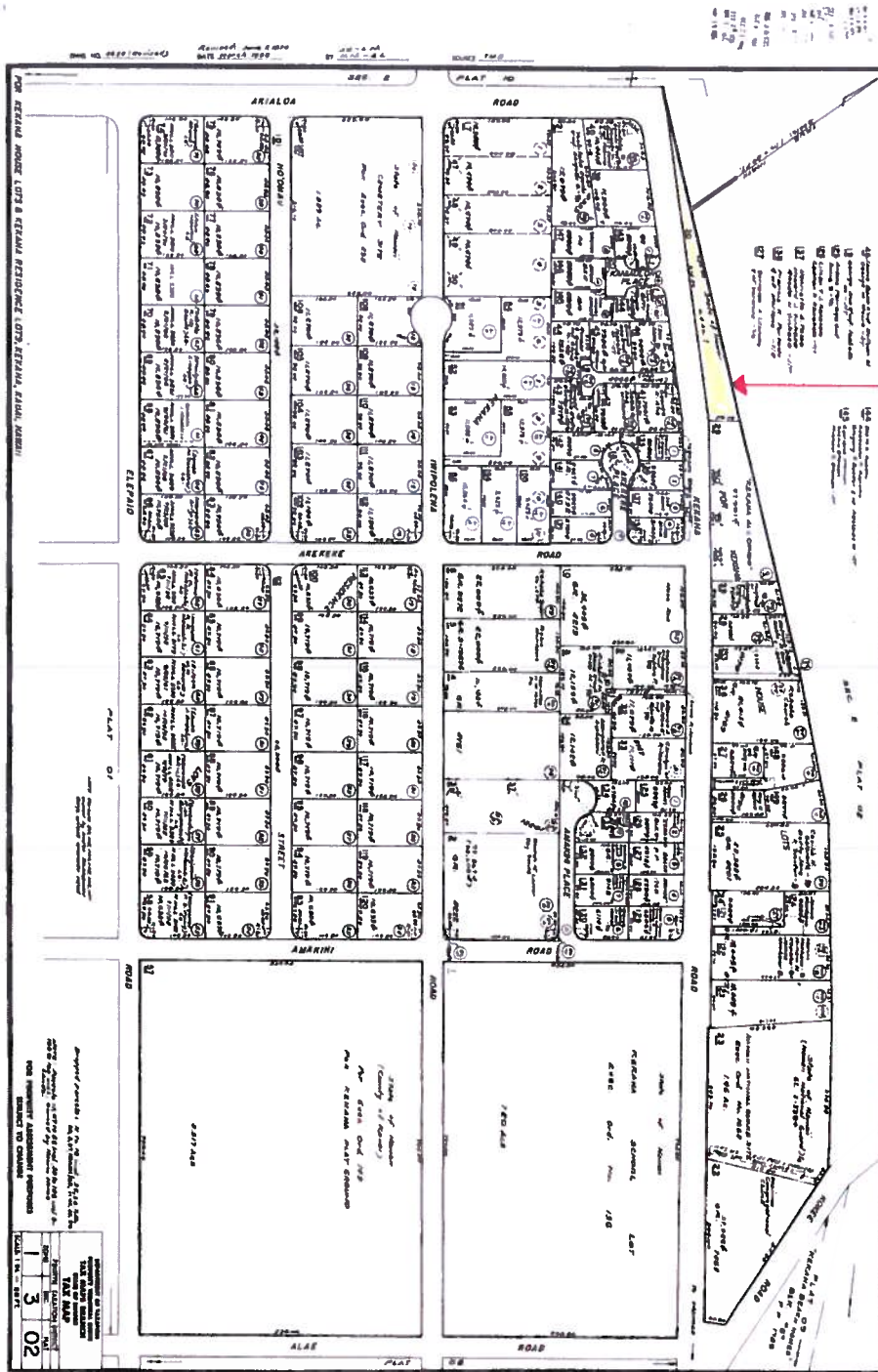
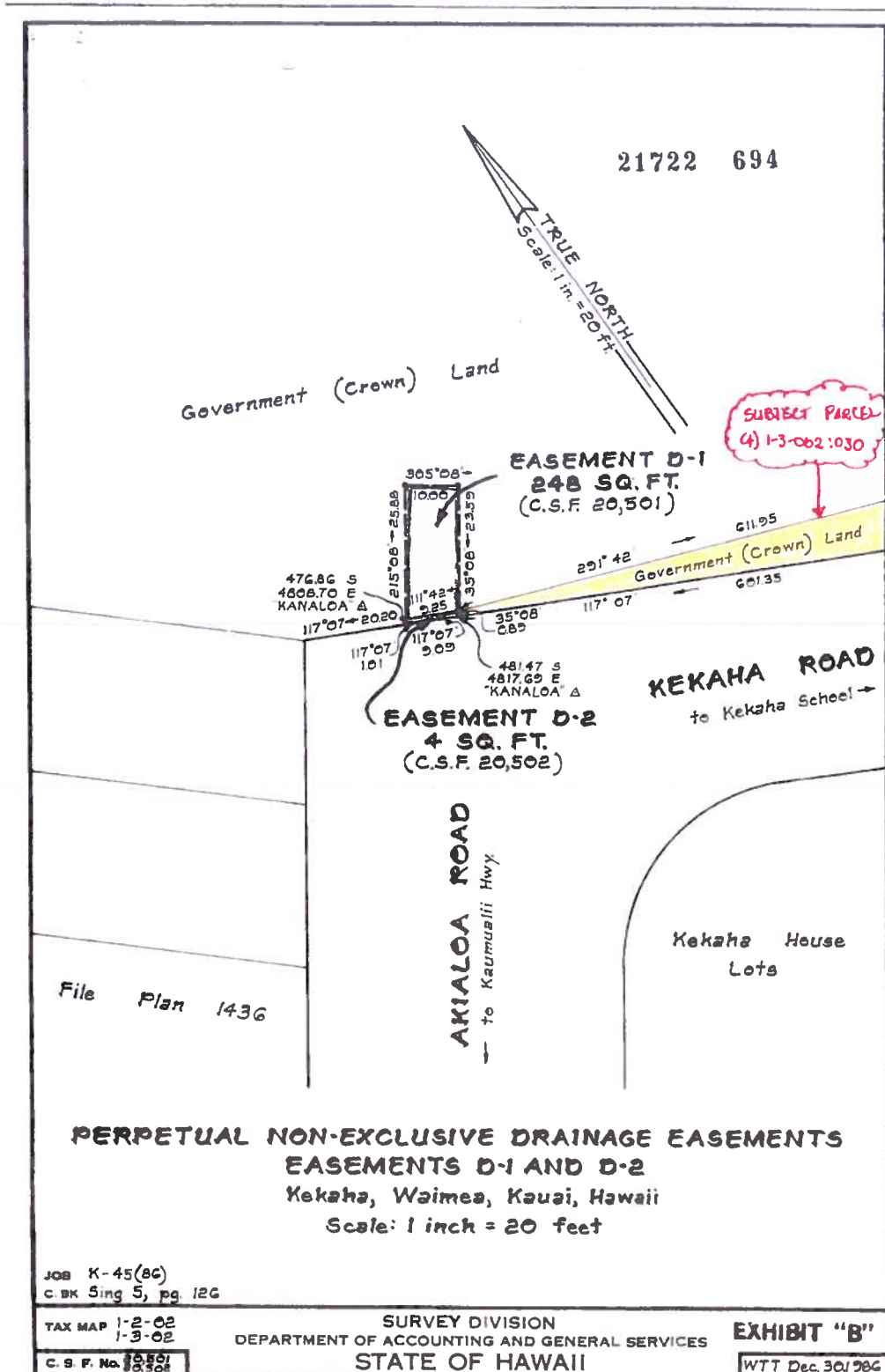


EXHIBIT "A"



NEIL ABERCROMBIE
ATTORNEY GENERAL



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

WILLIAM J. ADA, JR.
CHAIRMAN
BOARD OF LAND AND NATURAL RESOURCES
COMMISSIONER OF WATER RESOURCES

JESSE K. SOUKI
FIRST DEPUTY

WILHELMINE TAM
DEPUTY DIRECTOR - WATER

AGRICULTURE
BOATING AND KAYAKING
BUREAU OF CONVEYANCES
COMMISSIONER OF WATER RESOURCES
CONSERVATION AND COASTAL LANDS
CORRECTION AND REFORMATORY
COURT REPORTERS
DEPARTMENT OF LAND AND NATURAL RESOURCES
DISTRICT PRESERVATION
EARTH AND LAND RESERVE COMMISSION
LAND
STATE PARKS

July 31, 2014

EXEMPTION NOTIFICATION

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

Project Title:	Issuance of Revocable Permits to Charmaine Manuel for pasture purposes at por. Kekaha House Lots & Kekaha Residence Lots
Project / Reference No.:	PSF No. 14KD-140
Project Location:	Kekaha, Waimea, Kauai, Tax Map Key: (4) 1-3-002:030
Project Description:	Issuance of Revocable Permit to Charmaine Manuel for pasture purposes
Chap. 343 Trigger(s)	Use of State Land
Exemption Class No. and Description:	In accordance with Hawaii Administrative Rule Sections 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."
Consulted Parties:	DLNR – Historic Preservation; Department of Health; County of Kauai Planning and Public Works; Office of Hawaiian Affairs
Recommendation:	It is anticipated this project will probably have minimal or no significant effect on the environmental and is presumed to be exempt from the preparation of an environmental assessment.

EXHIBIT " c "



William J. Aila, Jr., Chairperson



Date