

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

December 12, 2014

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

PSF No.: 14OD-189

OAHU

Issuance of Revocable Permit to Tokyo News Service, Ltd; Termination of Revocable Permit No. S-7589; Waikiki, Honolulu, Oahu, Tax Map Key: (1) 3-6-001:seaward of 017.

APPLICANT:

Tokyo News Service, Ltd, a foreign corporation.

LEGAL REFERENCE:

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

LOCATION:

Portion of Government lands situated at Waikiki, Honolulu, Oahu, identified by Tax Map Key: (1) 3-6-001:seaward of 017, as shown on the attached map labeled Exhibit A.

AREA:

288 square feet, more or less.

ZONING:

State Land Use District: Conservation

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 No. 7589, Tadashi Okuyama, Permittee, for boat dock pier for recreational use purposes.

CHARACTER OF USE:

Boat dock pier for recreational use purposes.

COMMENCEMENT DATE:

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

MONTHLY RENTAL:

\$40.00 per month.

COLLATERAL SECURITY DEPOSIT:

Twice the monthly rental.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

A Negative Declaration for the subject boat dock was published on the OEQC Bulletin dated October 8, 1991.

In accordance with Hawaii Administrative Rule Section 11-200-8(a)(1)(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.". See **Exhibit B**.

DCCA VERIFICATION:

Not applicable. Applicant is not conducting any business in the State, other than being the owner of the abutting private property.

REMARKS:

In 1992, the Board approved Conservation District Use Application (OA-2497) for the subject boat dock to be built by Mr. Tadashi Okuyama, which was followed by the issuance of Revocable Permit No. (RP) S-6837. In 2010, RP S-7589 incorporating the latest insurance requirement provision was issued, while other conditions of the permit remained the same.

In August 2014, Mr. Okuyama transferred the ownership of the abutting property to his company, i.e. Tokyo News Service, Ltd, and he requests the Board issue a new RP to the current recorded owner for the same purpose.

Staff reviewed the application and agrees that a new RP to the current recorded owner would be in order. Nevertheless, staff recommends the Board increase the monthly rent from \$25 to \$40, which is consistent with the Board policy adopted at its meeting of May 13, 2005 (item D-19). The policy stated all new dispositions by Land Division shall be subject to a minimum rent of \$40 per month. Applicant did not object to the proposed increase in the monthly rent.


Staff understands that the property is currently listed in the market and the Applicant does not intend to convert the disposition into an easement.

There are no compliance issues regarding the current RP. Staff did not solicit comments from other agencies as the request is for housekeeping purposes only. There are no other pertinent issues or concerns.

RECOMMENDATION: That the Board:

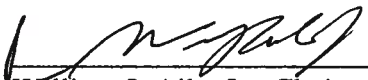
1. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Chapter 11-200, HAR, this project will probably have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment.
2. Authorize the issuance of a revocable permit to Tokyo News Service, Ltd covering the subject area for boat dock pier for recreational use 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. Termination of Revocable Permit No. S-7589 upon execution of the new revocable permit described above.

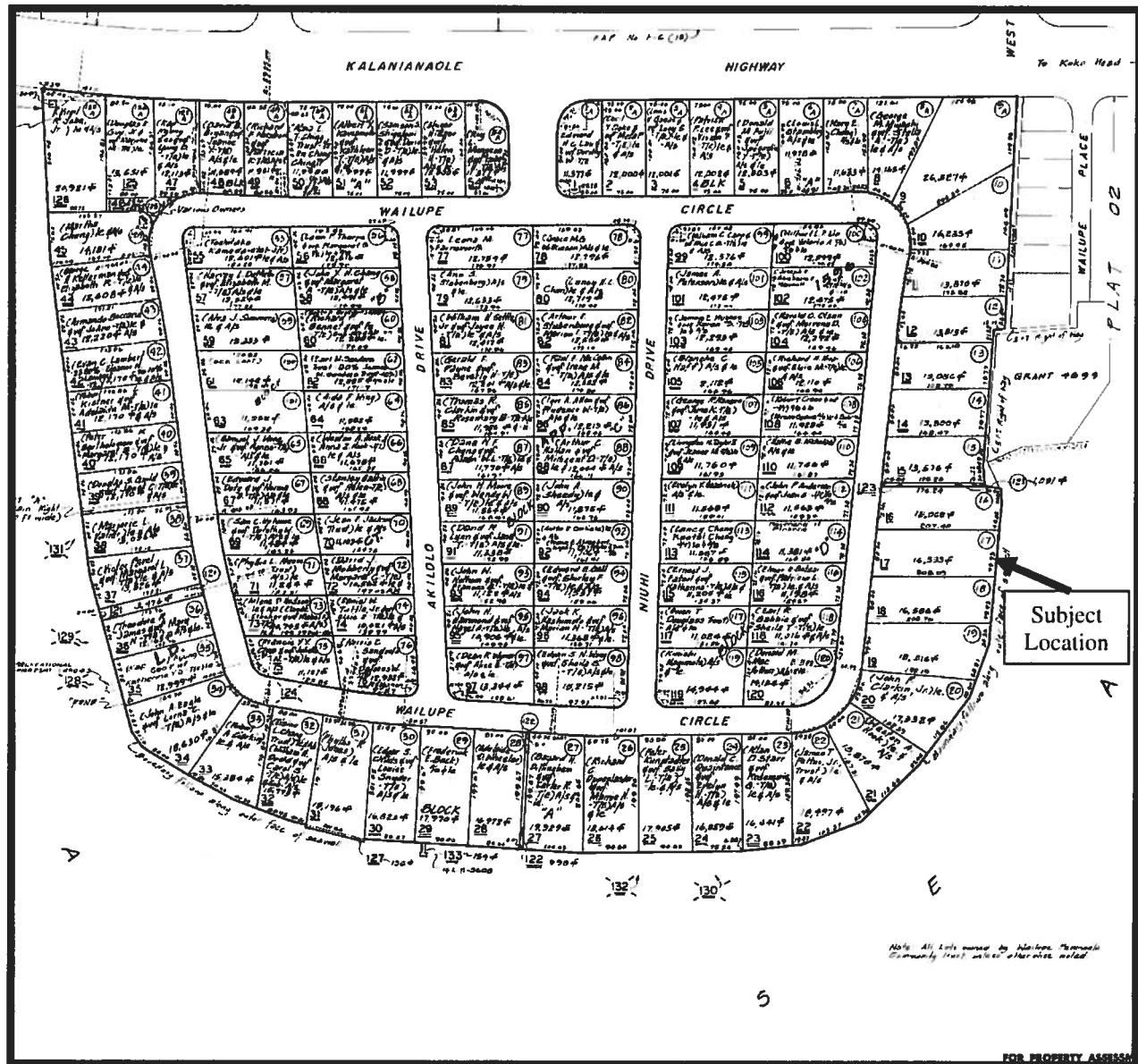
Respectfully Submitted,



Barry Cheung
District Land Agent

APPROVED FOR SUBMITTAL:


William J. Aila, Jr., Chairperson



TMK (1) 3-6-001:seaward of 017

EXHIBIT A

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 for Boat Dock Pier for Recreational Use Purposes
 Project / Reference No.: PSF 14OD-189
 Project Location: Waikiki, Honolulu, Oahu, TMK (1) 3-6-001:seaward of 017.
 Project Description: Issuance of revocable permit for boat dock purposes pursuant to change in ownership of the abutting property.
 Chap. 343 Trigger(s): Use of State Land

Exemption Class No.: 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."

The request is triggered by the change in ownership of the abutting private property from the original permittee to a company owned by the same permittee. The permittee is not planning to have any new improvement to the permit area. As such, staff believes that the request would involve negligible or no expansion or change in use of the subject area beyond that previously existing.

Consulted Parties: Not applicable

Recommendation: It is recommended that the Board find that 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
 Date 11/20/14

EXHIBIT B