

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

February 27, 2015

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

OAHU

Authorize the Chairperson to Consent Regarding the Removal of Trees on the Lease Premises; General Lease No. 5478; Office of Hawaiian Affairs, Lessee, Haleiwa, Waialua, Oahu; TMK (1) 6-6-009:023

BACKGROUND:

General Lease No. 5478 was issued to Office of Hawaiian Affairs (“OHA”) for any use as permitted by law including office space for government and private community service organizations. The lease, at gratis rent, commenced on March 5, 1998 and expires on March 31, 2033.

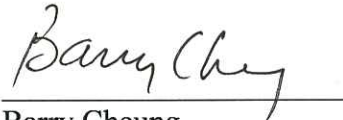
Recently, staff received a request from OHA asking for permission to remove six (6) plum trees along rear boundary line of the premises. According to OHA, the plum trees are not native plants and do not serve any specific aesthetic value; and a few are growing into neighboring properties. The proposed tree project pertains to day-to-day maintenance of the leased premises as required in the lease.

Condition 5, Waste and unlawful, improper or offensive use of premises stipulates, “[t]he Lessee shall not ... without the prior written consent of the Lessor, cut down, remove or destroy ... any trees now growing on the premises.” The language requires OHA submit a request to the Board agenda whenever there is a need to conduct tree trimming activities on the premises.

Hawaii’s Sunshine Law requires substantial lead time to place a request on the Board’s agenda. However, there may be emergency situations under the subject lease that demand a more expeditious action to protect public safety. Staff believes that delegating to the Chairperson the authority to approve any tree maintenance on the premises is prudent management practice.

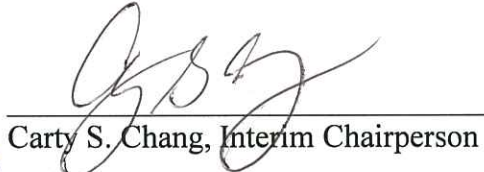
RECOMMENDATION: That the Board authorize the Chairperson to approve any activities regarding landscaping maintenance on the subject premises, including, but not limited to, cutting down, removing, or destroying vegetation or trees; provided further that the Chairperson may prescribe additional terms and conditions that best serve the interest of the State in granting any such approval.

Respectfully Submitted,



Barry Cheung  
District Land Agent

APPROVED FOR SUBMITTAL:

  
Carty S. Chang, Interim Chairperson