STATE OF HAWAI'I
Department of Land and Natural Resources
Division of State Parks
Honolulu, Hawai'i

December 14, 2007

Board of Land and Natural Resources
State of Hawai'i
Honolulu, Hawai'i

Subject: Request Continuance of 96 Revocable Permits Issued for Recreation-Residence Use in Kōke'e and Waimea Canyon State Parks, Waimea, Kaua'i

96 revocable permits (RP's) were issued for recreation-residence use in Kōke'e and Waimea Canyon State Parks. The Board approved the issuance of the RP's to former lessees when leases expired on December 31, 2006, following a one year holdover. An auction for the disposition of recreation-residence use leases had been approved by the Board at a prior meeting. Several factors, including legal actions and staff shortages, led to the postponement of the auction. The State has so far prevailed in the lawsuits, and is in the process of filling a position which will focus on this project.

Until the auction is scheduled, the month-to-month RP's are the best method of disposition for the cabins and lots. Haw. Rev. Stat. § 171-55 provides that the Board may allow permits to continue on a month-to-month basis for additional one-year periods.

In the past year, several permitees are alleged to have been involved in criminal activities within the parks. The permit conditions do not contain special provisions for termination or cancellation of the permit in the event the permittees are conducting criminal activities in the parks. We would like the Board to amend the permits to allow for termination or cancellation upon 5 days notice in those cases. Permits conditions will be unchanged otherwise.

RECOMMENDATION

That the Board:

Approve continuance of the revocable permits to current permittees pursuant to section 171-55, Hawai'i Revised Statutes.

1. Term to continue on a month-to-month basis for a period not to exceed six months (subject to termination on 30 days written notice).

2. Revocable permits to be on the same terms as presently in effect except that where <u>an occupant is conducting criminal activities on the premises or in the parks, a 5 days notice of termination or cancellation is allowed.</u>

**Item E-3**

3. Continuance of the revocable permits to be without prejudice to any positions or arguments made in the pending appeal.

4. To qualify for the continuance, the current permittees must be current with all conditions of the permit.

5. Such other terms and conditions as may be prescribed by the Chairperson to best serve the State's interests.

6. All terms and continuance of the revocable permits are subject to the approval of the Attorney General.

Respectfully submitted,

Daniel S. Quinn, Administrator

APPROVED FOR SUBMITTAL:

for Laura H. Thielen, Chairperson

| | RP No. | Name of Permittee | Tax Map Key | Lot Size (in acres) | Annual Rent |
|---|---|---|---|---|---|
| 1 | sp0300 | CAVASSO, JOEL | (4) 1-4-003:014-0000 | 1.05 | 2,520.00 |
| 2 | sp0301 | FRANCES, SYBIL BALDWIN | (4) 1-4-003:016-0000 | 0.98 | 2,520.00 |
| 3 | sp0302 | JACINTHO, WAYNE & DEBORAH | (4) 1-4-003:004-0000 | 0.96 | 2,040.00 |
| 4 | sp0303 | KOCHER TRUST | (4) 1-4-003:005-0000 | 0.81 | 2,040.00 |
| 5 | sp0304 | LEALANI CORPORATION | (4) 1-4-004:014-0000 | 1.2 | 2,520.00 |
| 6 | sp0305 | ZALOPANY, ALMA B. | (4) 1-4-003:006-0000 | 0.79 | 2,040.00 |
| 7 | sp0306 | GIVENS (TRUST), MICHAEL A. | (4) 1-4-003:009-0000 | 1.42 | 2,040.00 |
| 8 | sp0308 | TAUBMAN ET AL, RICHARD | (4) 1-4-003:010-0000 | 2 | 2,160.00 |
| 9 | sp0309 | SHEEHAN FAMILY LIMITED | (4) 1-4-003:008-0000 | 1.12 | 2,040.00 |
| 10 | sp0310 | KIKIAOLA LAND CO LTD | (4) 1-4-003:012-0000 | 2.01 | 2,160.00 |
| 11 | sp0311 | WILLIAMSON, HARWOOD & NANCY | (4) 1-4-003:013-0000 | 1.82 | 2,520.00 |
| 12 | sp0312 | BALDWIN, GARY | (4) 1-4-004:038-0000 | 1.66 | 2,040.00 |
| 13 | sp0313 | HOEME, RODNEY AND DEBBIE | (4) 1-4-004:035-0000 | 0.93 | 1,920.00 |
| 14 | sp0314 | PUTZIER, BARBARA | (4) 1-4-004:013-0000 | 0.51 | 2,400.00 |
| 15 | sp0315 | ORNELLAS, DWIGHT | (4) 1-4-004:030-0000 | 0.65 | 2,160.00 |
| 16 | sp0316 | COOPERSMITH, ERIK PAUL | (4) 1-4-004:021-0000 | 0.71 | 2,520.00 |
| 17 | sp0317 | KUMUWELA, INC. | (4) 1-4-004:020-0000 | 0.84 | 2,640.00 |
| 18 | sp0318 | RALSTON ET AL (KOKEE), RICK | (4) 1-4-004:019-0000 | 1.9 | 2,760.00 |
| 19 | sp0319 | WICHMAN, FREDERICK B. | (4) 1-4-004:018-0000 | 0.68 | 2,520.00 |
| 20 | sp0320 | WICHMAN TRUST | (4) 1-4-004:017-0000 | 1.01 | 2,640.00 |
| 21 | sp0321 | PLEWS, JOHN H.R. | (4) 1-4-004:016-0000 | 1.46 | 2,760.00 |
| 22 | sp0322 | HAY, JR., FRANK O. | (4) 1-4-004:043-0000 | 0.9 | 2,520.00 |
| 23 | sp0323 | DEPPE, ARDEL H. | (4) 1-4-004:005-0000 | 1.11 | 1,980.00 |
| 24 | sp0324 | TAYLOR MAILE M LOT 41 | (4) 1-4-004:007-0000 | 0.62 | 1,860.00 |
| 25 | sp0325 | MILLER ROBERT L LOT 42, 44 | (4) 1-4-004:004-0000 | 1.44 | 1,980.00 |
| 26 | sp0326 | WILSON, JAMES E. & CYNTHIA E. | (4) 1-4-004:008-0000 | 0.69 | 1,860.00 |
| 27 | sp0327 | KOCH, DAVID | (4) 1-4-004:009-0000 | 1.32 | 1,980.00 |
| 28 | sp0328 | HARDING, KENNETH & CATHERINE | (4) 1-4-004:010-0000 | 1.11 | 1,980.00 |
| 29 | sp0329 | DUNFORD, ELIZABETH | (4) 1-4-004:003-0000 | 1.21 | 1,980.00 |
| 30 | sp0330 | RAMIREZ, KARL L. | (4) 1-4-003:011-0000 | 0.8 | 2,040.00 |
| 31 | sp0331 | WONG, WAIYEE CARMENT | (4) 1-4-003:017-0000 | 0.58 | 4,620.00 |
| 32 | sp0332 | TOULON, A.J. & ELIZABETH | (4) 1-4-003:003-0000 | 0.96 | 2,040.00 |
| 33 | sp0333 | WILCOX, GAYLORD & CAROL | (4) 1-4-004:012-0000 | 0.4 | 1,860.00 |
| 34 | sp0334 | WAIMEA GARAGE LTD LOT 58 | (4) 1-4-004:024-0000 | 1.03 | 2,760.00 |
| 35 | sp0335 | SPROAT, DAVID K. & LINDA A. | (4) 1-4-004:001-0000 | 0.66 | 1,860.00 |
| 36 | sp0336 | CARSWELL, DONN A. | (4) 1-4-004:028-0000 | 1 | 2,280.00 |
| 37 | sp0337 | HAGINO, DAVID M. | (4) 1-4-004:040-0000 | 1.07 | 2,040.00 |
| 38 | sp0338 | R. ELECTRIC, INC | (4) 1-4-004:036-0000 | 0.83 | 2,040.00 |
| 39 | sp0339 | SMITH-WATERHOUSE FAMILY OF KOLOA | (4) 1-4-004:041-0000 | 0.5 | 1,980.00 |
| 40 | sp0340 | SUMMERS, MARY C. | (4) 1-4-004:062-0000 | 0.53 | 5,190.00 |

| | RP No. | Name of Permittee | Tax Map Key | Lot Size (in acres) | Annual Rent |
|---|---|---|---|---|---|
| 41 | sp0341 | OLSON, WILLIAM | (4) 1-4-004:068-0000 | 0.56 | 2,400.00 |
| 42 | sp0342 | LOFSTEDT ET AL, CURTIS & BONNIE | (4) 1-4-004:069-0000 | 0.56 | 2,400.00 |
| 43 | sp0343 | RIKER, DENNIS | (4) 1-4-004:060-0000 | 0.55 | 2,400.00 |
| 44 | sp0344 | SMYTHE, DONALD K. AND ROSEMARY K. | (4) 1-4-004:055-0000 | 0.67 | 2,400.00 |
| 45 | sp0345 | TAYLOR, EDWARD JAMES | (4) 1-4-004:058-0000 | 0.79 | 2,520.00 |
| 46 | sp0346 | JONES, RICHARD M. & CRYSTAL S. | (4) 1-4-004:059-0000 | 0.58 | 2,400.00 |
| 47 | sp0347 | KOKEE MOUNTAIN HOUSE, INC. | (4) 1-4-004:054-0000 | 0.47 | 2,400.00 |
| 48 | sp0348 | CAMP KOKEE CORP, C/O ROY YEMPUKU, ESQ. | (4) 1-4-004:047-0000 | 0.44 | 2,400.00 |
| 49 | sp0349 | HACKETT, JAMES F. | (4) 1-4-004:048-0000 | 0.58 | 2,400.00 |
| 50 | sp0350 | PEETERS, RITA | (4) 1-4-004:049-0000 | 0.53 | 2,400.00 |
| 51 | sp0351 | SMITH, MALCOLM S. | (4) 1-4-004:050-0000 | 0.42 | 2,400.00 |
| 52 | sp0352 | MORAGNE, LOT 1, WILLIAM & JEAN | (4) 1-4-002:031-0000 | 0.97 | 2,520.00 |
| 53 | sp0353 | DANA, NED T. & HOLLIS H. | (4) 1-4-002:018-0000 | 0.97 | 2,520.00 |
| 54 | sp0355 | WATANABE, RICKY | (4) 1-4-002:032-0000 | 1.13 | 2,520.00 |
| 55 | sp0356 | BLACK ET AL, LUCY A. | (4) 1-4-002:028-0000 | 0.92 | 2,520.00 |
| 56 | sp0357 | PRATT, DAVID W. | (4) 1-4-002:029-0000 | 1.02 | 2,520.00 |
| 57 | sp0358 | KAUAI CHRISTIAN FELLOWSHIP | (4) 1-4-002:041-0000 | 0.99 | 2,520.00 |
| 58 | sp0359 | HURLEY, PAUL S. & MAILE F. | (4) 1-4-002:012-0000 | 0.84 | 2,760.00 |
| 59 | sp0360 | COX, AILEEN | (4) 1-4-002:047-0000 | 0.95 | 2,520.00 |
| 60 | sp0361 | KA IMI NAAUAO O HAWAII #13 | (4) 1-4-002:020-0000 | 1 | 2,520.00 |
| 61 | sp0362 | CABRINHA, TRUSTEE, LAWRENCE C. | (4) 1-4-002:023-0000 | 1.02 | 2,520.00 |
| 62 | sp0363 | SNYDER, ELEANOR | (4) 1-4-002:021-0000 | 0.9 | 2,520.00 |
| 63 | sp0364 | CASSEL, KATHRYN M. | (4) 1-4-002:025-0000 | 1.05 | 2,520.00 |
| 64 | sp0365 | WOOD, KENNETH R. | (4) 1-4-002:026-0000 | 1.03 | 2,520.00 |
| 65 | sp0366 | TENUTO ET AL, JOHN & GAYLA MCCARTHY | (4) 1-4-002:027-0000 | 0.82 | 2,520.00 |
| 66 | sp0367 | SAMFORD, JUDITH | (4) 1-4-002:046-0000 | 0.79 | 2,520.00 |
| 67 | sp0368 | THOMAS, RUTH | (4) 1-4-002:013-0000 | 0.99 | 2,760.00 |
| 68 | sp0369 | NITTA ET AL, AILEEN S. | (4) 1-4-002:014-0000 | 0.89 | 2,520.00 |
| 69 | sp0370 | MATTHEWS, JUDITH L. | (4) 1-4-002:010-0000 | 1 | 2,520.00 |
| 70 | sp0371 | STAYTON ET AL, SUSAN | (4) 1-4-002:022-0000 | 0.91 | 2,520.00 |
| 71 | sp0372 | NITTA ET AL, NORMAN | (4) 1-4-002:008-0000 | 0.85 | 2,520.00 |
| 72 | sp0373 | HONTZ, GLEN | (4) 1-4-002:015-0000 | 1.03 | 2,520.00 |
| 73 | sp0374 | SUTTON, ANNE | (4) 1-4-002:044-0000 | 0.88 | 2,520.00 |
| 74 | sp0375 | RUIZ, JR., MR. & MRS. DAMASCIO | (4) 1-4-002:043-0000 | 1.03 | 2,520.00 |
| 75 | sp0376 | TENBRUGGENCATE ET AL, JAN | (4) 1-4-002:040-0000 | 1 | 2,430.00 |
| 76 | sp0377 | EPHAN, LARRY & MARY | (4) 1-4-002:036-0000 | 1.12 | 2,520.00 |
| 77 | sp0378 | KAUKA, SABRA | (4) 1-4-002:035-0000 | 1.01 | 2,520.00 |
| 78 | sp0379 | NAKAYA, KIYOSHI & JULIA | (4) 1-4-002:051-0000 | 1.05 | 2,520.00 |

| | RP No. | Name of Permittee | Tax Map Key | Lot Size (in acres) | Annual Rent |
|---|---|---|---|---|---|
| 79 | sp0380 | BURTNER, PAULETTE | (4) 1-4-002:052-0000 | 1.03 | 2,520.00 |
| 80 | sp0381 | WOOD, LISA | (4) 1-4-002:053-0000 | 1.03 | 2,520.00 |
| 81 | sp0382 | WILCOX MEMORIAL HOSPITAL | (4) 1-4-002:054-0000 | 1.05 | 2,520.00 |
| 82 | sp0384 | KAWAKAMI ET AL, BERTHA | (4) 1-4-002:061-0000 | 0.95 | 2,520.00 |
| 83 | sp0385 | CASSIDY, THOMAS & ANNETTE | (4) 1-4-002:062-0000 | 1.05 | 2,520.00 |
| 84 | sp0386 | MATSUNAGA, PAUL & ARLINE | (4) 1-4-002:063-0000 | 0.9 | 2,520.00 |
| 85 | sp0387 | ONISHI ET AL, WARREN H. | (4) 1-4-002:067-0000 | 0.79 | 2,520.00 |
| 86 | sp0388 | SWENEY, ROBERT T. | (4) 1-4-002:068-0000 | 1.12 | 2,520.00 |
| 87 | sp0389 | TOKITA, PHYLLIS | (4) 1-4-002:069-0000 | 1.08 | 2,520.00 |
| 88 | sp0390 | ING, PHILIP & MYRNA | (4) 1-4-002:075-0000 | 0.98 | 2,520.00 |
| 89 | sp0391 | LOCRICCHIO ET AL #82, ANTHONY | (4) 1-4-002:079-0000 | 1.11 | 2,520.00 |
| 90 | sp0392 | NEERINGS, JILL HANA | (4) 1-4-002:081-0000 | 1 | 2,520.00 |
| 91 | sp0393 | THUENTE, ANNA | (4) 1-4-002:086-0000 | 0.82 | 2,760.00 |
| 92 | sp0394 | MORINAKA, STANLEY H. | (4) 1-4-002:085-0000 | 0.99 | 2,520.00 |
| 93 | sp0395 | HAWAII CONFERENCE FOUNDATION | (4) 1-4-004:027-0000 | 0.5 | 132 |
| 94 | sp0396 | HAWAII UNITED METHODIST | (4) 1-4-002:024-0000 | 3.05 | 132 |
| 95 | sp0397 | HAWAII ASSN. OF 7TH-DAY ADVENTIST # 55 | (4) 1-4-002:055-0000 | 4.06 | 132 |
| 96 | sp0398 | BACK TO EDEN, INC. LOT 79 | (4) 1-4-004:063-0000 | 0.54 | 2,400.00 |