

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

March 23, 2012

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

PSF No: 11MD-099
Maui

Amend Prior Board Action of October 28, 2011, Item D-21 for the Issuance of Revocable Permit to Terrance P. Kaialii Akuna by Eliminating the Requirement that the Rent be Determined by a Staff Appraiser, Wailua Homesteads, Koolau, Hana, Maui, Tax Map Key: (2) 1-1-004:018.

BACKGROUND:

On October 28, 2011, the Board of Land and Natural Resources under Item D-21 (Refer to Exhibit 1), approved the issuance of a month-to-month revocable permit to Terrance P. Kaialii Akuna for intensive agriculture purposes. Mr. Akuna requested the opportunity to cultivate taro by utilizing a small parcel of unencumbered State land identified by Tax Map Key (2) 1-1-004:018.

Prior to receiving Board approval for the issuance of a month-to-month permit for Mr. Akuna, the Division of Land Management was, and again is, without the services of a staff appraiser. Therefore, since receiving the approval, staff has been unable to process the issuance of this permit.

Section 171-55 of the Hawaii Revised Statutes allows the Land Board to set the rent "which will serve the best interests of the State." In place of an actual in-house appraisal, land agent is requesting a review by the Board of what appears to be three comparable dispositions for the same designated use within the same geographical area. This would establish a monthly rent determination that is fair to Mr. Akuna and similar to other State tenants with month-to-month dispositions relatively until such time as when Land Division is able to either hire or contract the valuation with a licensed appraiser.

REMARKS:

Staff is recommending a monthly rent of \$40.00 (minimum). Rent determination similar to other month-to-month dispositions with the same character of use.

Revocable Permit:

S-7626	Pearl Pahukoa	1.530 acres	\$40.00 monthly rent	8/2010 to 11/2011
S-7529	Solomon Kaauamo	2.990 acres	\$40.00 monthly rent	7/1985 to present
S-7568	William Latham	.0670 acres	\$40.00 monthly rent	12/2009 to present

The above month-to-month revocable permits have been issued for agriculture purposes and are all located within the Keanae and Wailua areas of east Maui.

RECOMMENDATION: That the Board:

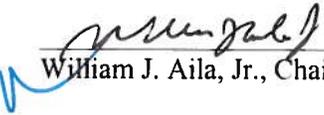
1. Amend its prior Board action of October 28, 2011, under agenda item D-21, by changing Monthly Rental to be determined by Staff Appraiser with "As determined by the Board that will serve the best interest of the State, as recommended by staff on this submittal".
2. All terms and conditions listed in its October 28, 2011 approval to remain the same.

Respectfully Submitted,



Larry Pacheco, Land Agent

APPROVED FOR SUBMITTAL:



William J. Aila, Jr., Chairperson

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

October 28, 2011

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

PSF No.: 11MD-099

Maui

Issuance of Revocable Permit to Terrance P. Kaialii Akuna, Wailua Homesteads, Koolau, Hana, Maui, Tax Map Key: (2) 1-1-004:018.

APPLICANT:

Terrance P. Kaialii Akuna, Single, Tenant in Severalty.

LEGAL REFERENCE:

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

LOCATION:

Portion of Government lands of Wailua situated at Koolau, Hana, Maui, identified by Tax Map Key: (2) 1-1-004:018, as shown on the attached map labeled Exhibit A.

AREA:

0.65 acres, more or less.

ZONING:

State Land Use District: Agriculture
County of Maui CZO: Agriculture

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act

DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: NO x

APPROVED BY THE BOARD OF
LAND AND NATURAL RESOURCES *DB*
AT ITS MEETING HELD ON

October 28, 2011

EXHIBIT " 1 "

CURRENT USE STATUS:

Vacant and unencumbered.

CHARACTER OF USE:

Intensive agriculture purposes.

COMMENCEMENT DATE:

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

MONTHLY RENTAL:

To be determined by staff appraiser, 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."

DCCA VERIFICATION:

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

REMARKS:

The subject parcel was formerly encumbered by revocable permit number S-6638, to Mr. Robert Puu for agriculture purposes. Due to poor health, Mr. Puu requested a cancellation of his permit and in turn, his relatives Harry and Pearl Pahukoa, requested the issuance of a new permit for the same use on the subject parcels.

Pursuant to Board action of July 8, 1994, Item F-1-b a month-to-month revocable permit was issued to Harry K. Pahukoa and Pearl O. Pahukoa for the cultivation of taro and ti leaf on parcels (2) 1-1-004:006 and 018.

On June 30, 1999, Mr. Harry K. Pahukoa died at the age of 65. After Mr. Pahukoa's death, Mrs. Pahukoa requested to amend her permit by removing parcel 018, as she had since abandoned the use of the property due to its location and the fact that she was now farming on her own and was not able to take on the management of two separate parcels.

Due to Mr. Akuna's knowledge of the area and the fact that he farms taro on an adjacent private parcel next to parcel 018, he has submitted a request for a month-to-month permit to cultivate taro at the subject location now that it is unencumbered and not being maintained.

Mr. Akuna would like to clean up and restore parcel 018 and utilize it to cultivate taro for home consumption and possibly market any additional surplus to help support his family.

Mr. Akuna is a lineal descendant of a family that has farmed taro for many generations in the Wailua area. He indicated that he grew up farming taro on his family's lands and has direct experience with cultivating taro on the subject parcel, as he often helped the former tenants (Pahukoas) with planting and harvesting their crops.

The proposed use is allowable in both the State and County zoning designations.

Mr. Akuna 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.

The Maui District Land Office has not received any other request for the use of the subject property.

Due to the location of the subject parcel and the intent to continue with the same agricultural use, a month-to-month tenancy is the most appropriate disposition at this time.

AGENCY COMMENTS:

A request for comment was solicited from the following agencies:

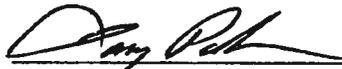
Agency	Comments
DLNR – Historic Preservation	No comment received
County of Maui – Planning	No objections
Commission on Water Resource Management	No comment received
Office of Hawaiian Affairs	No objections, supports this request
Department of Hawaiian Home Lands	No comment received
DLNR – Aquatic Resources	No objections, no comments

The proposed use of this property has been continuous and will continue in this rural location. Such use has resulted 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 Terrance P. Kaialii Akuna covering the subject area for Intensive Agriculture 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,



Larry Pacheco, Land Agent

APPROVED FOR SUBMITTAL:



William J. Aila, Jr., Chairperson

NEIL ABERCROMBIE
GOVERNOR OF HAWAII



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



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

October 28, 2011

EXEMPTION NOTIFICATION

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

Project Title: Terrance P. Kaialii Akuna

Project / Reference No.: PSF#11MD-099

Project Location: Wailua Homesteads, Koolau, Hana, Maui

Project Description: Month-to-Month Revocable Permit for Intensive Agriculture Purposes.

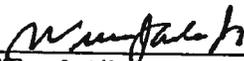
Chap. 343 Trigger(s): Use of State Land

Exemption Class No. and Description: In accordance with the Department of Land and Natural Resources Department-wide Exemption List, approved by the Environmental Council and dated December 4, 1991, 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 [HAR. 11-200-8-(a)(1)].

Consulted Parties: None

There will be no change in use from which previously existed.

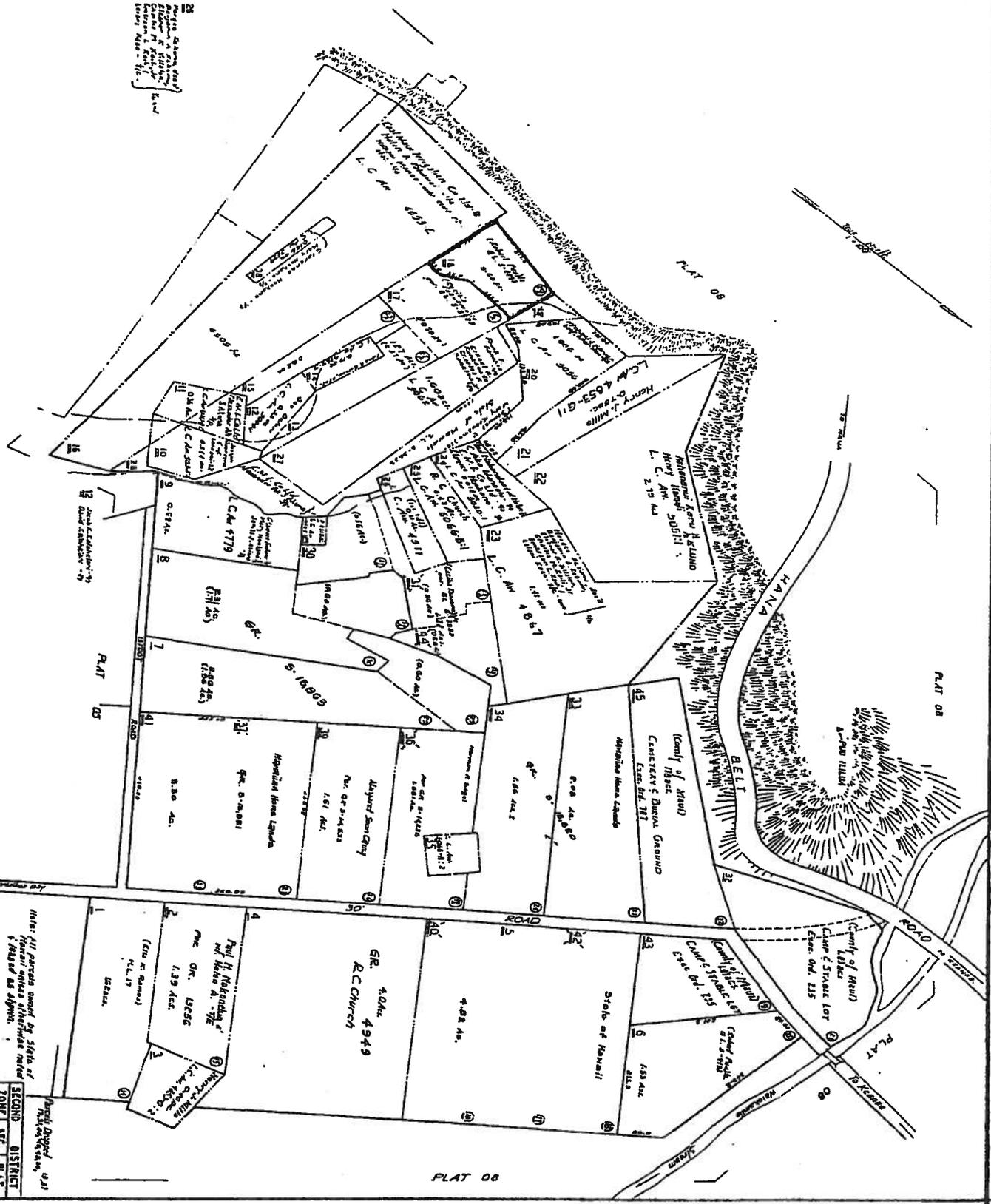
Recommendation: It is anticipated this project will probably have minimal or no significant effect on the environment and is presumed to be exempt from the preparation of an environmental assessment.


William J. Aila Jr., Chairperson

 9/29/11
Date

Dwg. No: 2078
 J.K.H. - June, 1934
 Source: The Maps Bureau
 Survey Department.

Re: WAILUA HISTORS, KOOLAU HANA, MAUI.



ALL VICES SHEET
 SUBJECT TO CHANGE

SECOND	DISTRICT
111	04
CONTAINING	PARCELS
SCALE 1" = 100 FT.	

EXHIBIT A