

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

May 25, 2012

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

PSF No.: 12od-036

OAHU

Issuance of Revocable Permit to Lose and Meliame Unga for General Agriculture Purposes, Waialea, Koolauloa, Oahu; Tax Map Key: (1) 5-8-001:038.

APPLICANT:

Lose and Meliame Unga, husband and wife, tenants by the entirety.

LEGAL REFERENCE:

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

LOCATION:

Portion of Government lands situated at Waialea, Koolauloa, Oahu, identified by Tax Map Key: (1) 5-8-001:038, as shown on the attached map labeled Exhibit A.

AREA:

2.164 acres, more or less.

ZONING:

State Land Use District: Agriculture
City and County of Honolulu LUO: AG-1

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 unencumbered.

CHARACTER OF USE:

General agriculture purposes.

COMMENCEMENT DATE:

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

MONTHLY RENTAL:

\$40.00 per month, See Remarks Section

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 B**)

DCCA VERIFICATION:

Individuals, not applicable

REMARKS:

The subject property was leased to Kahuku Plantation Company under General Lease No. 3541 for agriculture purposes until 1971. Since the lease terminated, there was no land disposition issued. Recently, when staff was exploring the possibility of leasing the adjacent Parcel 53, staff noted that abandoned vehicles were dumped by unknown persons on the front portion of subject parcel. Majority of the parcel was only vegetated area. Mr. Unga was also present and selling a small amount of produce (pineapple, papaya) along the highway.

Mr. Unga was asked about his presence on the parcel. Subsequently, Dr. James Anthony

called on behalf of the applicants and advised the staff that he had helped the applicants set up a meeting with a prior administration almost twenty (20) years ago. They alleged that they had received indication that they could set up their farm on the subject property, while the staff worked on a revocable permit. Staff checked the files and could not locate any record of such approval or revocable permit. In short, the applicants do not have any proper land authorization regarding the use of the subject parcel. In the meantime, there is no record available to the staff that indicates the applicants have been using the subject parcel. During the interview, both the applicants and Dr. Anthony indicated strong desire to obtain a permit to use the subject parcel.

During a subsequent site inspection, staff noted that the applicants had substantially cleaned up the property. For the Board's information, staff cannot locate any record of receipt of any request from the applicants prior to the subject request.

According to the application submitted by the applicants, they have been working as farmers to provide basic subsistence for their own family. They also share the surplus with other family members and friends. Staff does not have any further comment on the information regarding farming experience provided by the applicants. Dr. Anthony has indicated his plan of bringing in a nonprofit organization to set up a farm on the subject parcel. However, such application will be submitted at a later date. In the meantime, staff does not have objection to the subject request since there is no long-term plan for the parcel.

The proposed farming use is allowed in the county zoning.

Department of Health, Department of Parks and Recreation, Department of Facility Maintenance, and Department of Transportation do not have any comments/objections to the request. Division of Forestry and Wildlife, Commission on Water Resource Management, Department of Planning and Permitting, Board of Water Supply, and Office of Hawaiian Affairs have not responded as of the suspense date.

Staff recommends the Board authorize the issuance of the request revocable permit at a monthly rent of \$40.00, in accordance with the Minimum Rent Policy for New Disposition approved by the Board on May 13, 2005, item D-19. The staff appraiser in the Land Division is vacant at the time of writing this submittal.

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.

Based on the existing records, it is hard to establish that a meeting allegedly happened almost twenty years ago. However, staff believes the applicant could be a good land steward of the property based on the efforts during the recent clean up. Staff supports the applicants' request for a revocable permit.

RECOMMENDATION: That the Board:

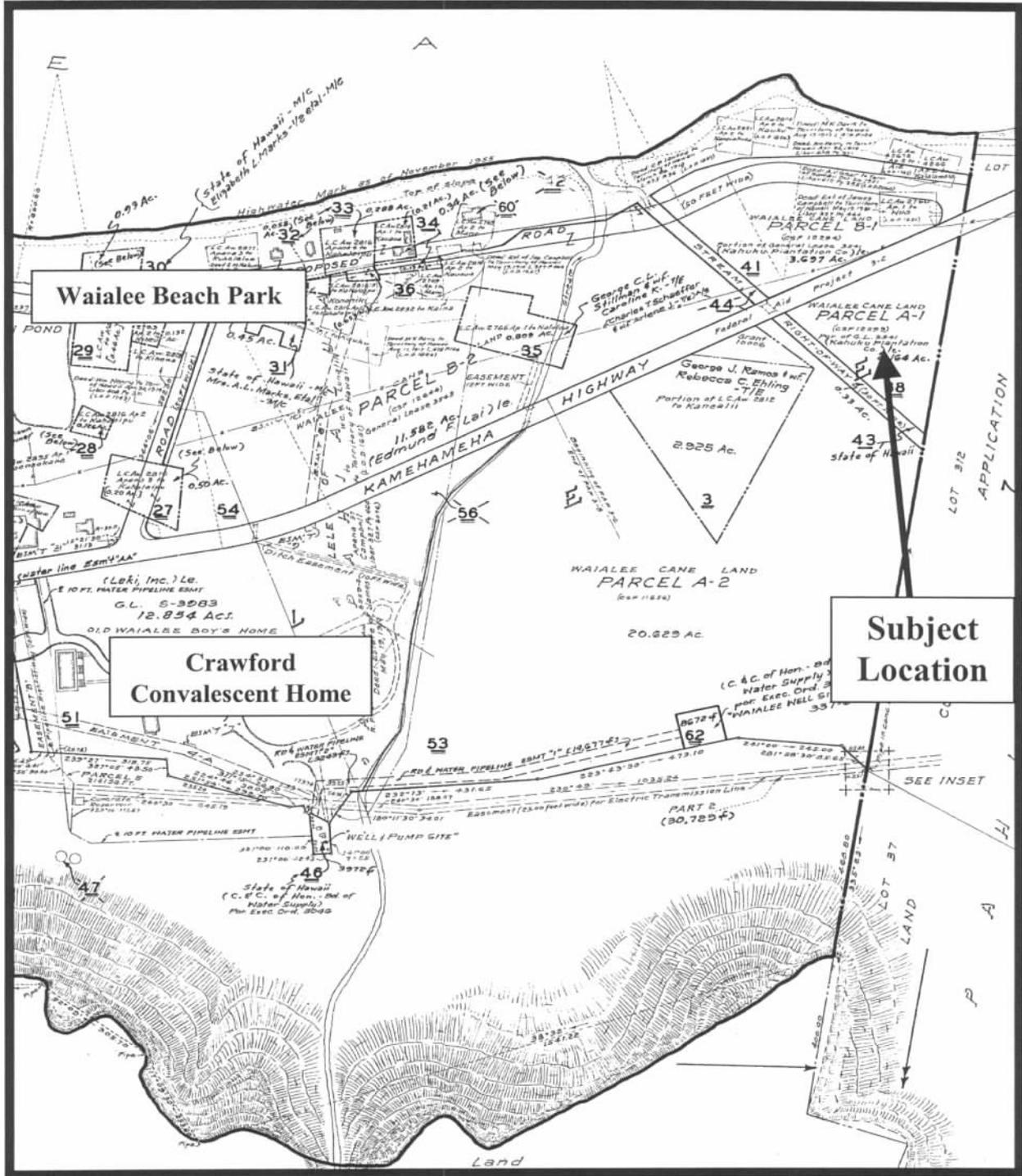
1. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Chapter 11-200, HAR, this project will probably have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment.
2. Authorize the issuance of a revocable permit to Lose and Meliame Unga covering the subject area for general 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,


Barry Cheung
District Land Agent

APPROVED FOR SUBMITTAL:


William J. Aila, Jr., Chairperson



TMK (1) 5-8-001:038

EXHIBIT A

EXEMPTION NOTIFICATION

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

Project Title: Revocable Permit to Lose & Meliame Unga for Agriculture Purposes

Project / Reference No.: PSF 12od-036

Project Location: Waialea, Koolauloa, Oahu, Tax Map Key: (1) 5-8-001:038.

Project Description: Conducting agriculture activities

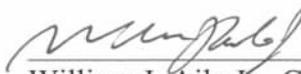
Chap. 343 Trigger(s): Use of State Land

Exemption Class No.: In accordance with Hawaii Administrative Rule Section 11-200-8(a)(1) and (4) 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."

The subject property was used for agriculture purposes previously. Since the last lease expired, there are no other land dispositions issued. The applicant is not planning on conducting major change to the existing topographical and vegetation condition of the property. 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: That the Board find 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

EXHIBIT B