

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

August 9, 2013

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

PSF No. 12MD-165

MAUI

Amend Prior Board Action of December 14, 2012, Agenda Item D-8, as Amended on April 12, 2013, Agenda Item D-8, Cancel Revocable Permit No. S-7368 and Reissuance of a Revocable Permit to Alexander & Baldwin, Inc., Pulehunui, Wailuku, Maui, TMK: (2) 3-8-08: 1, 8, 20, 35 and 38.

Amendment Request: Include TMK: (2) 3-8-08: 20 in the Exemption Notification Form in agenda Item D-8 of the Board's December 14, 2012, meeting.

BACKGROUND:

At its December 14, 2012, meeting, under agenda item D-8 (Exhibit A), the Board authorized the cancellation of Revocable Permit No. S-7368 (RPS-7368), issued to Alexander & Baldwin, Inc. (A&B). The Board also authorized the reissuance of a revocable permit to A&B for a smaller area of 674.012 acres.

The 674.012 acres is the remainder of RPS-7368 after a 104.359-acre portion of the permit was conveyed, in fee simple, to the Department of Hawaiian Home Lands by Land Office Deed No. 29000 on February 1, 2011.

At its April 12, 2013, meeting, under agenda D-8, the Board amended its prior action of December 14, 2012, agenda item D-8, by including TMK: (2) 3-8-08: 20 in the reissued permit to A&B because it is a portion the remaining acreage encumbered by RPS-7368.

The Department of the Attorney General, Land/Transportation Division, recently advised that the exemption notification form in agenda item D-8 of the Board's December 14, 2012, meeting, should make reference to TMK: (2) 3-8-08: 20.

RECOMMENDATION: That the Board

1. Amend its prior Board action of December 14, 2012, under agenda item D-8, by including TMK: (2) 3-8-08: 20 in the project title of the exemption notification form (Exhibit B).
2. Except as amended herein and on April 12, 2013, under agenda item D-8, all terms and conditions in agenda item D-8 of the Board's December 14, 2012, meeting, to remain the same.

Respectfully Submitted



Gary Martin, Land Agent

APPROVED FOR SUBMITTAL:



William J. Aila, Jr., Chairperson

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

December 14, 2012

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

PSF No.: 12MD-165

MAUI

Cancel Revocable Permit No. S-7368 and Reissuance of Revocable Permit to Alexander & Baldwin, Inc., Pulehunui, Wailuku, Maui, Tax Map Key:(2) 3-8-08:1,8,35 and 38.

APPLICANT:

State of Hawaii, Department of Land and Natural Resources, on behalf of Alexander & Baldwin, Inc. (A&B), a Hawaii corporation.

LEGAL REFERENCE:

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

LOCATION:

Portion of the Government lands of Pulehunui located at Pulehunui, Wailuku, Maui, identified by Tax Map Key: (2) 3-8-08:1,8,35 and 38, as shown on the attached map labeled Exhibit A.

AREA:

Currently, 778.371 acres, more or less, are under the operation of Revocable Permit (RP) No.S-7368 (Exhibit A). The new RP, when issued, will encumber 674.012 acres, more or less (Exhibit A).

ZONING:

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

APPROVED BY THE BOARD OF ^{DB}
LAND AND NATURAL RESOURCES
AT ITS MEETING HELD ON
December 14, 2012

EXHIBIT " A " ^{D-8}

TRUST LAND STATUS:

Section 5(a) lands of the Hawaii Admission Act

DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: YES

CURRENT USE STATUS:

Encumbered by RP No. S-7368 to A&B.

CHARACTER OF USE:

Sugarcane cultivation purposes.

COMMENCEMENT DATE:

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

MONTHLY RENTAL:

Currently \$4,630.00 per month, under the new RP \$4,010.00 per month. The new monthly rental is a proration of the current monthly rental based on acreage.

COLLATERAL SECURITY DEPOSIT:

Twice the monthly rental.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with Hawaii Administrative Rules, Section 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:

| | |
|---|-----|
| Place of business registration confirmed: | YES |
| Registered business name confirmed: | YES |
| Applicant in good standing confirmed: | YES |

REMARKS:

Act 14, SPLH 1995, among other things, called upon the Board of Land and Natural Resources (BLNR) to provide the Department of Hawaiian Home Lands (DHHL) with sufficient State land to make up any difference between the 204,500 acres mandated by federal law as Hawaiian Home Lands through the Hawaiian Homes Commission Act of 1920 and DHHL's actual land trust inventory.

An inventory, taken prior to the passage of Act 14 and confirmed by a governor's task force, indicated that DHHL's land trust was 16,518 acres short of meeting the federal mandate.

In a settlement agreement between the State and DHHL the shortage would be made up by DHHL selecting government land statewide, subject to conditions. The first of DHHL's selections were approved by the BLNR at its October 28, 1994, meeting, under agenda item H-6. After several more selections over the years, on October 28, 2010, under agenda item D-12, the BLNR approved the final 817 acres selected by DHHL. A 104.359-acre portion of RP No. 7368 issued to A&B was included in DHHL's final selections.

The 104.359 acres are comprised of two lots of record, identified as Tax Map Key Nos.: (2) 3-8-08: all of 8 and 35. Accordingly, subdivision of the 104.359 acres is not required for the conveyance of the land to DHHL.

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 cancelation of Revocable Permit No. S-7368.
3. Authorize the issuance of a revocable permit to Alexander & Baldwin, Inc., covering a 674.012-acre portion of the canceled Revocable Permit No. S-7368 for sugarcane cultivation purposes under the terms and conditions cited above, which are by this reference incorporated herein and subject further 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.

- c. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,



Gary Martin
Land Agent

APPROVED FOR SUBMITTAL:



William J. Aila, Jr., Chairperson



NEIL ABERCROMBIE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
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WILLIAM J. AHA, JR.
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

ESTHER KIA'AINA
FIRST DEPUTY

WILLIAM M. TAM
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

EXEMPTION NOTIFICATION

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

- Project Title:** Cancel Revocable Permit No. S-7368 and reissuance of a revocable permit to Alexander & Baldwin, Inc. for a reduced area, situate at Pulehunui, Waikapu, Wailuku, Maui, Tax Map Key: (2) 3-8-08: 1, 8, 35 and 38.
- Project/Reference No.** Revocable Permit No. 7368/12MD-165
- Project Description:** Withdrawal of 104.359 acres from the operation of Revocable Permit No. S-7368 and conveyance of same to the Department of Hawaiian Home Lands. Reissue new revocable permit to Alexander & Baldwin, Inc. for the reduced area.
- Chapter 343 Triggers(s):** Use of State Lands.
- Exemption Class No.:** In accordance with Hawaii Administrative Rules, Section 11-200- 8(A), 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 beyond that previously existing," and Exemption Class No. 4, that states, "Minor alterations in the condition of land, water or vegetation."
- Consulted Parties:** Department of Hawaiian Home Lands and the Office of Hawaiian Affairs.

The above exemptions apply because the current use of the land is authorized and no significant cumulative impacts are expected after the transfer of the 104.359 acres to the Department of Hawaiian Home Lands on which it intends to allow Alexander & Baldwin, Inc. to continue sugarcane cultivation under its own permit.

Recommendation:

It is anticipated that this project will probably have minimal or no significant effect on the environment and the Board is recommended to declare the cancellation of Revocable Permit No. S-7368 and reissuance of a new revocable permit to be exempt from the preparation of an environmental assessment.


WILLIAM J. AILA, JR.



4/28/12
Date

NEIL ABERCROMBIE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

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WILLIAM J. AILA, JR.
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STATE PARKS

August 9, 2013

EXEMPTION NOTIFICATION

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

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Project/Reference No. Revocable Permit No. 7368/12MD-165

Project Description: Withdrawal of 104.359 acres from the operation of Revocable Permit No. S-7368 and conveyance of same to the Department of Hawaiian Home Lands, by its Hawaiian Homes Commission. Reissue new revocable permit to Alexander & Baldwin, Inc. for the reduced area.

Chapter 343 Triggers(s): Use of State Lands.

Exemption Class No.: In accordance with Hawaii Administrative Rules, Section 11-200- 8(A), 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 beyond that previously existing," and Exemption Class No. 4, that states, "Minor alterations in the condition of land, water or vegetation."

Consulted Parties: Department of Hawaiian Home Lands and the Office of Hawaiian Affairs.

The above exemptions apply because the current use of the land is authorized and no significant cumulative impacts are expected after the transfer of the 104.359 acres to the Department of Hawaiian Home Lands, which intends to allow Alexander & Baldwin, Inc. to continue sugarcane cultivation under its own permit.

Recommendation:

It is anticipated that this project will probably have minimal or no significant effect on the environment and the Board is recommended to declare the cancellation of Revocable Permit No. S-7368 and reissuance of a new revocable permit to be exempt from the preparation of an environmental assessment.



WILLIAM J. AILA, JR.



Date

