

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

October 25, 2013

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

Kauai

Cancellation of Revocable Permit No. S-7594 to Gilbert F. Barretto, Jr. and Request for Waiver of Phase I Environmental Site Assessment Requirement, Kapaa Homesteads, Kawaihau, Kauai, Tax Map Key: (4) 4-6-009:049 and (4) 4-6-014:074.

**PURPOSE:**

Cancellation of Revocable Permit No. S-7594 to Gilbert F. Barretto, Jr. and Waiver of Phase I Environmental Site Assessment Requirement.

**LEGAL REFERENCE:**

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

**LOCATION:**

Portion of Government lands of Kawaihau situated at por. Kapaa Homesteads, Kawaihau, Kauai, identified by Tax Map Key: (4) 4-6-009:049 and (4) 4-6-014:074, as shown on the attached map labeled Exhibits A & B.

**AREA:**

(4) 4-6-009:049 – 1.20 acres, more or less.  
(4) 4-6-014:074 – 1.25 acres, more or less.

**ZONING:**

State Land Use District:      Agriculture  
County of Kauai CZO:      Open District "O"

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:

Revocable Permit No. S-7594

CHARACTER OF USE:

Pasture purposes.

COMMENCEMENT DATE:

April 1, 2010.

MONTHLY RENTAL:

\$13.00 per month.

REMARKS:

On March 1, 1986, Revocable Permit No. S-6332 was issued to Gilbert F. Barretto, Jr. for pasture purposes on portion of Kapaa Homesteads, Fourth Series, Kawaihau (Puna), Kauai, Tax Map Keys: (4) 4-6-009:049 and (4) 4-6-014:074.

In 2009, Land Division, with the assistance of the Department of the Attorney General, revised its revocable permit template. As a result, Revocable Permit No. S-6332 was cancelled and a new revocable permit was prepared.

Revocable Permit No. S-7594 was issued to Gilbert F. Barretto, Jr. effective April 1, 2010, for pasture purposes. Included in the terms of this agreement was a requirement for execution of a Phase I Environmental Site Assessment (ESA) and complete abatement and disposal (if necessary) prior to termination of the subject permit under section B – additional conditions no. 14.

On September 18, 2013 the Kauai District Land office received a request from Mr. Barretto to terminate Revocable Permit No. S-7594, labeled Exhibit 'C'. Staff notified the tenant of condition no. 14 requiring the ESA. Mr. Barretto expressed his concerns that due to economic constraints, he would not be able to afford the extremely high cost to conduct an ESA and also stated that the property has only been used for pasture purposes and at no time was there any use of heavy equipment or chemicals on the property.

A final inspection of the property was conducted on September 27, 2013 at which time the premises were found to be clean with no trash or abandoned property. Refer to Exhibit 'D', inspection report.

Therefore, based on the pasture character of use in the revocable permit, the statements of the permittee, and findings at the time of the final inspection, staff agrees that the ESA should be waived. Staff is also requesting the cancellation of the Permit effective October 26, 2013, which is 25 calendar days after the date of Mr. Barretto's termination request.

RECOMMENDATION: That the Board:

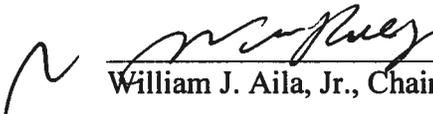
1. Authorize the cancellation of Revocable Permit No. S-7594 per the request of the permittee in the manner specified by law;
2. Authorize the retention of all sums heretofore paid or pledged under Revocable Permit No. S-7594 to be applied to any past due amounts;
3. Terminate the permit and all rights of Permittee and all obligations of the Permittee effective as of October 1, 2013, provided that any and all obligations of the Permittee which have accrued up to said effective date or which are stated in the permit to survive cancellation shall endure past such cancellation date until duly fulfilled, and further provided that Permitter reserves all other rights and claims allowed by law; and
4. Waive requirement for a Phase I Environmental Site Assessment.

Respectfully Submitted,



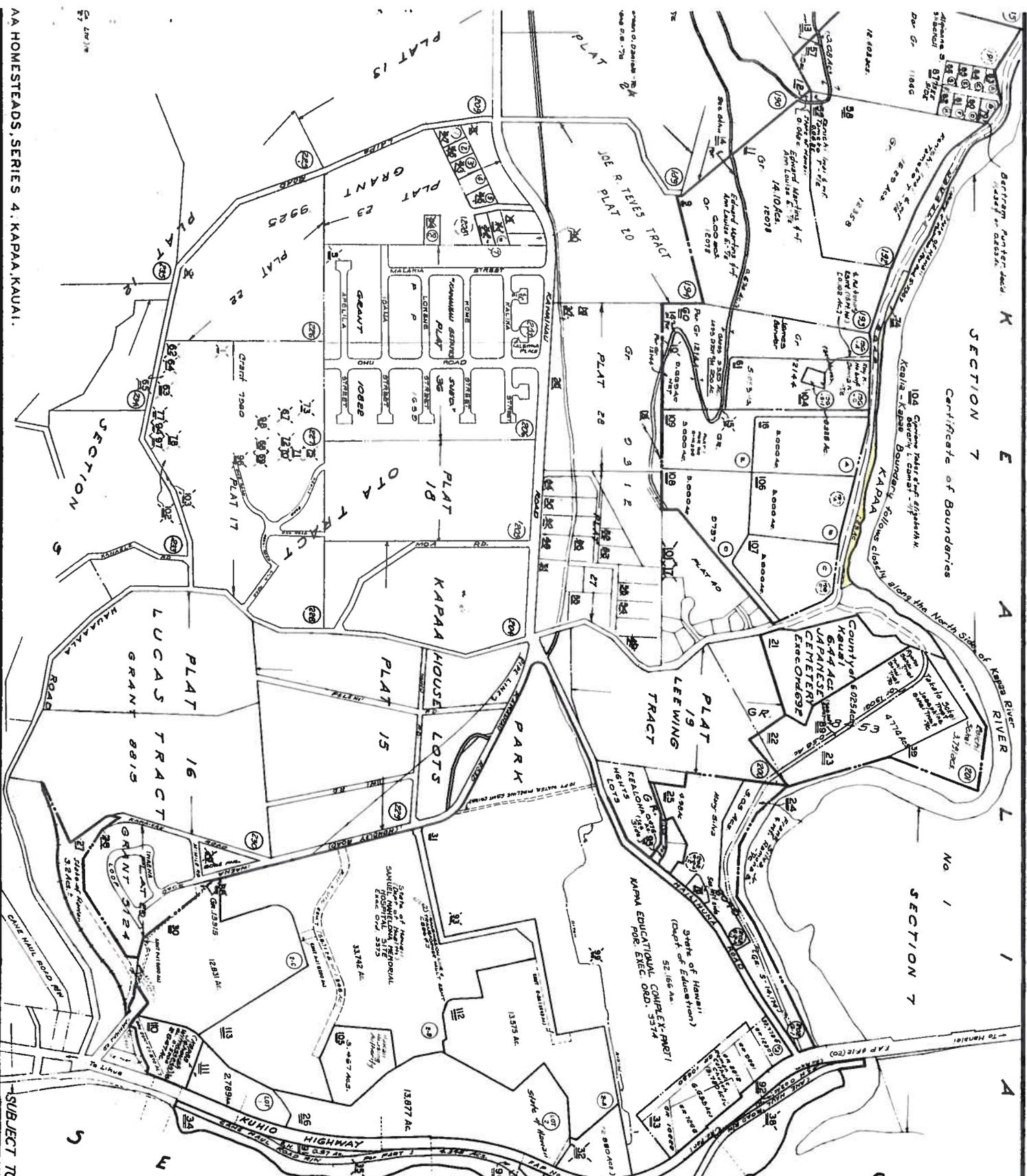
Marvin Mikasa  
Land Agent

APPROVED FOR SUBMITTAL:



William J. Aila, Jr., Chairperson





SECTION 7  
Certificate of Boundaries

102. Current State of Division  
Kapa - Kapa Boundary follows closely along the North Side of Kapa River

SECTION 7  
No. 1

True North  
Scale 1 in = 300 Ft.

100  
State of Hawaii  
Department of Land and Natural Resources  
Engineering Division  
Exec. Order 8800

95 Frank De Silva - draw

# EXHIBIT "B"

Note: Reference to map 107, 108 & 109  
made by original surveyors  
(Clerk International, Inc.) 46

Plat 13, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30  
40 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100

TAXATION MAPS BRANCH	STATE OF HAWAII
TAX MAP	FOURTH DISTRICT
ZONE SEC	PLAT
4	6 14
CONTAINING PARCELS	
SCALE: 1 in = 300 FT.	

SUBJECT TO CHANGE

AA HOMESTEADS, SERIES 4, KAPAA, KAUAI.

September 18, 2013

State of Hawaii  
Department of Natural Land and Resources  
Post Office Box 621  
Honolulu, Hawaii 96809

Attn: Mr. Russell Y. Tsuji, Administrator

Dear Mr. Tsuji:

We are writing to notify the Department of Land and Natural Resources office, that we will no longer be leasing the property located at:

TMK: RP 4-4-6-009-049-0000-001

TMK: RP 4-4-6-014-074-0000-001

as of September 18, 2013.

We are finally retiring from cattle ranching, but thank DLNR for their help in allowing us to utilize the property.

Thank you,

Gilbert Barretto Jr.

Kapaa, Hawaii 96746

Copy: Kauai Branch /



**EXHIBIT " C "**

**INSPECTION REPORT**  
Pasture

**FINAL INSPECTION**

**General Information**

Document Number: RPS-7594

Character of Use Pasture

Inspection Date: Sept. 27, 2013 Inspection Time: 10:00am

Land Agent: Marvin Mikasa 

**TENANT INFORMATION**

Name: Gilbert F. Barretto, Jr.

Home Phone: \_\_\_\_\_

Address: \_\_\_\_\_

Business Phone: \_\_\_\_\_

Kapaa, Kauai 96746

Fax: \_\_\_\_\_

Contact Person: Gilbert F. Barretto, Jr.

Contact Phone: \_\_\_\_\_

**SITE INFORMATION**

TMK: (4) 4-6-009:049

Area: 1.20 acres, more or less

TMK: (4) 4-6-014:074

Area: 1.25 acres, more or less

Site Address: off Hauula Road, Kapaa, Kauai

**FISCAL INFORMATION**

ITEM	NOT APPLICABLE	CURRENT = COMPLIANCE	DEFAULT = NON-COMPLIANCE
Rent		X	
Liability Insurance		X	
Fire Insurance	X		
Bond	X		
Mortgage	X		

**EXHIBIT "D"**

**ANNUAL INSPECTION REPORT**  
Intensive Ag/Special Livestock/Pasture/Commercial Timber

**File Review**

**LICENSES/PERMITS/CONSENTS**

ITEM	DLNR Approval Docs in File			COMMENTS/NOTES/LISTS
	N/A	YES	NO	
Removal of Minerals/Waters	X			
Prehistoric/Historic Remains	X			
Cutting/Removal of Trees	X			
Hazardous Material Storage/Use	X			
Subletting	X			
Improvement Construction Buildings	X			
Improvement Construction Other structures	X			
Conservation Plan	X			

**Field Inspection**

ITEM	CRITERIA FOR COMPLIANCE	MEETS COMPLIANCE			COMMENTS/NOTES
		N/A	YES	NO	
Subletting	consents approved use adheres to lease purpose	X			
Buildings / Residences: roof, paint, exterior, interior	clean, sanitary, orderly suitable & well maintained DLNR construction consent adheres to completion schedule *check for hazardous materials	X			prior improvements need to be maintained by current tenant
Structures: roads, walkways, fence lines, pipelines, others	cross check w/ conservation plan clean, sanitary, orderly well maintained adheres to completion schedule *check for hazardous materials		X		prior improvements need to be maintained by current tenant
Conservation Plan: conservation structures and plantings	adheres to plan map & schedule well maintained	X			

Premises	clean, sanitary, orderly		X		
Hazardous Material Storage / Use	controlled and adheres to consent	X			
Character of Use	adheres to lease purpose		X		
Phase I Environmental Site Inspection	as required in General Lease or Revocable Permit	X			No equipment was stored on property and no storage buildings, etc. on-site. No fertilizers or pesticides were used.
Other					



Sent from my iPhone

TMK: (A) 4-6-009: 049



RP-7594 Barretto  
Marvin T Mikasa to Marvin T Mikasa

09/27/2013 01:41 PM

From Marvin T Mikasa/DLNR/StateHiUS  
To Marvin T Mikasa/DLNR/StateHiUS,



TMK: (A) 4-4-014!074



TMK: (A) 4-6-0141074



TMK: (4) 4-6-014!074