

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-170  
Maui

Amend Prior Board Action of November 10, 2011, Item D-11 for the Cancellation of Revocable Permit Number S-7059 to Julia Kaiwi, Deja Kaiwi , and Randall Manaba, and Issuance of a New Revocable Permit to Julia Kaiwi and Deja Kaiwi by Eliminating the Requirement that the Rent be Determined by a Staff Appraiser, at Kahakuloa, Wailuku, Maui, Tax Map Key: (2) 3-1-004:046, 056, 059, and 061.

BACKGROUND:

On November 10, 2011 the Board of Land and Natural Resources under Item D-11 (Refer to Exhibit 1), approved the cancellation of revocable permit number S-7059 to Julia Kaiwi, Deja Kaiwi , and Randall Manaba, and Issuance of a new month-to-month revocable permit to Julia Kaiwi and Deja Kaiwi for general agriculture purposes. The subject request was made due to the fact that Mr. Manaba no longer resides in Hawaii and therefore requested to have his name removed from the revocable permit.

Prior to receiving Board approval for the issuance of the new month-to-month permit for Julia and Deja Kaiwi, 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 Julia and Deja Kaiwi 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-7534	Leslie Dunn	0.352 acres	\$13.00 monthly rent	2/2010 to present
S-5402	Richard Hoopii	0.179 acres	\$13.00 monthly rent	6/1977 to present
S-6648	Charles Carter	1.094 acres	\$13.00 monthly rent	8/1989 to present

The above month-to-month revocable permits have been issued for agriculture purposes and are all located within the Kahakuloa area of west Maui.

RECOMMENDATION: That the Board:

1. Amend its prior Board action of November 10, 2011, under agenda item D-11, 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 November 10, 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

November 10, 2011

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

PSF No.:11MD-170

Maui

Cancellation of Revocable Permit Number S-7059 to Julia Kaiwi, Deja Kaiwi, and Randall Manaba, and Issuance of a New Revocable Permit to Julia Kaiwi and Deja Kaiwi, at Kahakuloa, Wailuku, Maui, Tax Map Key: (2) 3-1-004: 046, 056, 059, and 061.

APPLICANT:

Julia Kaiwi, a widow and Deja Kaiwi, a single person, as Joint Tenants.

LEGAL REFERENCE:

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

LOCATION:

Portion of Government lands of Kahakuloa, Wailuku, Maui, identified by Tax Map Key: (2) 3-1-004:046, 056, 059, and 061, as shown on the attached map labeled Exhibit A and overview photo labeled Exhibit B.

AREA:

0.844 acres, more or less.

Parcel:	(2) 3-1-004:046	Area:	0.578 acres
	(2) 3-1-004:056		0.084 "
	(2) 3-1-004:059		0.066 "
	(2) 3-1-004:061		0.116 "

**EXHIBIT " 1 "**

APPROVED BY THE BOARD OF  
LAND AND NATURAL RESOURCES  
AT ITS MEETING HELD ON  
November 10, 2011

ZONING:

State Land Use District: Rural District  
County of Maui CZO: None

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:

Encumbered by Revocable Permit No. S-7059 to Julia Kaiwi, Deja Kaiwi, and Randall Manaba, tenants, for General Agriculture purposes.

CHARACTER OF USE:

General 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:

Revocable Permit S-6916 was originally issued to Mr. Albert Kaiwi, Jr. for general agriculture purposes on April 1, 1994. This permit covered use of eight parcels of State lands at Tax Map Keys: (2) 3-1-004:46, 56, 59, 61, 66, 69 and 72 and (2) 3-1-002:18. Mr. Kaiwi passed away on December 20, 1995.

On September 13, 1996, under agenda Item D-13, the Board authorized the cancellation of Revocable Permit No. S-6916 and a re-issuance of a revocable permit to Julia Kaiwi and Deja Kaiwi, wife and daughter, respectively, of Albert Kaiwi Jr. Staff later learned that the new permit was never executed, but the Kaiwis' had continued to pay rent under RP- 6916.

The board approval of September 13, 1996 was amended by means of board action on November 19, 1999, Item D-31. Authorization was provided for the cancellation of Revocable Permit S-6916, the addition of Mr. Randall Manaba as a third party to the permit, and a down size in the number of parcels from the original eight (8) to four (4) at Tax Map Keys: (2) 3-1-004:46, 56, 59 and 61. A new Revocable Permit S-7059 to was effected the date of July 1, 2000.

On August 26, 2011, the Maui District Land office received written request from Mr. Randall Manaba for the removal of his name from permit S-7059. Staff has since been informed that Mr. Manaba has been residing in Las Vegas, Nevada for approximately the past five years and has no intention on returning to Maui. Therefore, he has no further interest in the permit.

The applicants have 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.

No agency or community comments were solicited for this request as there is no change in use for the subject properties. The Kaiwi's have been good tenants and are utilizing the area mainly for taro cultivation.

Due to the parcels' limits in size and use, it is deemed they are infeasible for auction, and therefore a month-to-month tenancy is the more the appropriate disposition.

The proposed agricultural has remained unchanged since 1994. 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 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 cancellation of revocable permit number S-7059 to Julia Kaiwi, Deja Kaiwi and Randall Manaba.
3. Authorize the issuance of a revocable permit to Julia Kaiwi and Deja Kaiwi 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,

  
Larry Pacheco, Land Agent

APPROVED FOR SUBMITTAL:

  
William J. Aila, Jr., Chairperson



Kahakulua Village

Kahekili Hwy

059

056

046

061

Exhibit (B)







STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
LAND DIVISION

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

October 13, 2011

## EXEMPTION NOTIFICATION

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

Project Title: Julia Kaiwi and Deja Kaiwi

Project / Reference No.: PSF#11MD-070

Project Location: Wailuku, Kahakuloa, Maui

Project Description: Month-to-Month Revocable Permit for General 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)]. Class No. 4, that states "Minor alterations in the conditions of land, water, or vegetation."

Consulted Parties: None

There will be no change in use from which previously existed. Pasturing of animals at this site has been taking place for over twenty years.

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

10/28/11  
Date