

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

March 28, 2014

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

PSF No: 11MD-052

Maui

Amend Prior Board Action of May 27, 2011, agenda Item D-6: Issuance of Revocable Permit to Wanda Vierra, Lurlyn Scott, and Beatrice Kekahuna; to Issuance of Revocable Permit to Lurlyn Scott, and Sanford Kekahuna for General Agricultural Purposes, Honopou, Hamakualoa, Makawao, Maui, Tax Map Key: (2) 2-9-001:018.

BACKGROUND:

Ms. Beatrice Kekahuna managed the subject property under Revocable Permit S-6933 since July of 1994 for the cultivation of Ti-leaf and miscellaneous native plants. As she got older and had difficulties with maintaining the parcel, she informed staff of her desire to add her daughter Wanda Vierra and niece Lurlyn Scott to her permit. On May 27, 2011 under agenda Item D-6, the Board of Land and Natural Resources approved Ms. Kekahuna's request.

REMARKS:

Prior to all new documents being completed, staff learned that Ms. Wanda Vierra fell ill and eventually passed away on August 7, 2012. Approximately seven months later, staff was informed that Ms. Beatrice Kekahuna passed on March 6, 2013. Due to the passing of both Wanda Vierra and Beatrice Kekahuna, Ms. Scott was the remaining party on the newly approved disposition.

Staff recently received a request from Lurlyn Scott to have Mr. Sanford Kekahuna (son of Beatrice Kekahuna) placed on the new permit for the continued use and maintenance of the new Revocable Permit.

Mr. Sanford Kekahuna has indicated that he has been farming taro and other crops for the majority of his life. His knowledge of farming and agricultural practices has been passed down from his parents and other family members. Previous inspections of the Kekahuna farmlands have revealed that they are very experienced farmers with excellent husbandry practices.

A month-to-month revocable permit is being requested at this time to allow for the continued occupancy and maintenance of the property. If in the future a long-term disposition for the use of the area is requested, it will be considered at that time.

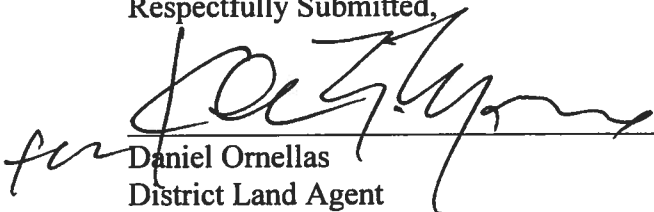
EXHIBIT

Exhibit #1- Previously approved Board of Land and Natural Resources submittal of May 27, 2011, Item D-6.

RECOMMENDATION: That the Board:

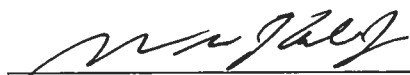
1. Amend Prior Board Action of May 27, 2011, agenda Item D-6: Issuance of Revocable Permit to Wanda Vierra, Lurlyn Scott, and Beatrice Kekahuna by replacing it with, Issuance of Revocable Permit to Lurlyn Scott, and Sanford Kekahuna for General Agricultural Purposes.
2. All other terms and conditions listed in its May 27, 2011 approval to remain the same.

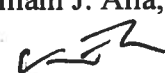
Respectfully Submitted,



Daniel Ornellas
District Land Agent

APPROVED FOR SUBMITTAL:



William J. Aila, Jr., Chairperson


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

May 27, 2011

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

PSF No.: 11MD-052

Maui

Cancellation of Revocable Permit S-6933 to Beatrice Kekahuna and Re-Issuance of a New Revocable Permit to Wanda Vierra, Lurlyn Scott, and Beatrice Kekahuna for Intensive Agricultural Purposes, Honopou, Hamakualoa, Makawao, Maui, Tax Map Key: (2) 2-9-001:018.

APPLICANT:

Wanda Vierra (Widowed), Lurlyn Scott (Single), and Beatrice Kekahuna (Widowed),
Tenants in Common.

LEGAL REFERENCE:

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

LOCATION:

Portion of Government lands of Honopou situated at Hamakualoa, Makawao, Maui,
identified by Tax Map Key: (2) 2-9-001:018, as shown on the attached map labeled
Exhibit A.

AREA:

5.0 acres, more or less.

ZONING:

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

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

MAY 27, 2011 DP

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act

DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: YES ____ NO
X.

CURRENT USE STATUS:

Encumbered by Revocable Permit No. S-6933, to Beatrice Kekahuna, Permittee, for
General Agriculture purposes.

The current permit to be cancelled upon approval of new revocable permit to Wanda
Vierra, Lurlyn Scott and Beatrice Kekahuna.

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:

On March 29, 2011 the Maui District Land Office received a request from Ms. Beatrice Kekahuna for a change in tenancy with regards to her existing month-to-month Revocable Permit No. S-6933. Ms. Kekahuna informed staff she wanted to add her daughter Wanda Vierra and niece Lurlyn Scott to her permit.

Beatrice Kekahuna has held this month-to-month disposition for agriculture purposes since July 1994, after the passing of her spouse, Mr. Boniface Kekahuna, Sr. She has continued to cultivate Ti-leaf and other miscellaneous native plants on the subject parcel.

Due to her elderly status, Ms. Kekahuna has received ongoing support and assistance from both Vierra and Scott in the upkeep and cultivation of the existing plants on the property. All applicants have agreed to work together to continue with the maintenance of the area for agriculture purposes.

The existing and continued proposed agricultural use is allowable by both the County of Maui and State of Hawaii's zoning designation for this area.

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.

Ms. Vierra, Scott, and Kekahuna have indicated that they have been farming taro and other crops for the majority of their lives. Their knowledge in farming and agricultural practices has been passed down from their parents and other family members. Previous inspections of the applicant's current farmlands have revealed that they are very experienced farmers with good husbandry practices established and maintained.

A month-to-month revocable permit is being requested at this time to allow for the continued occupancy and maintenance of the property. If in the future a long-term disposition for the use of the area is requested, it will be considered at that time.

No agency comments were solicited for this request. There will be no change in use of the area. The existing agricultural use of the property has been in place for the past seventeen years.

The proposed use since 1994 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 agricultural 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 cancellation of revocable permit number S-6933 to Beatrice Kekahuna, and issuance of a revocable permit to Wanda Vierra, Lurlyn Scott, and Beatrice Kekahuna covering the subject area for Intensive Agricultural 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.

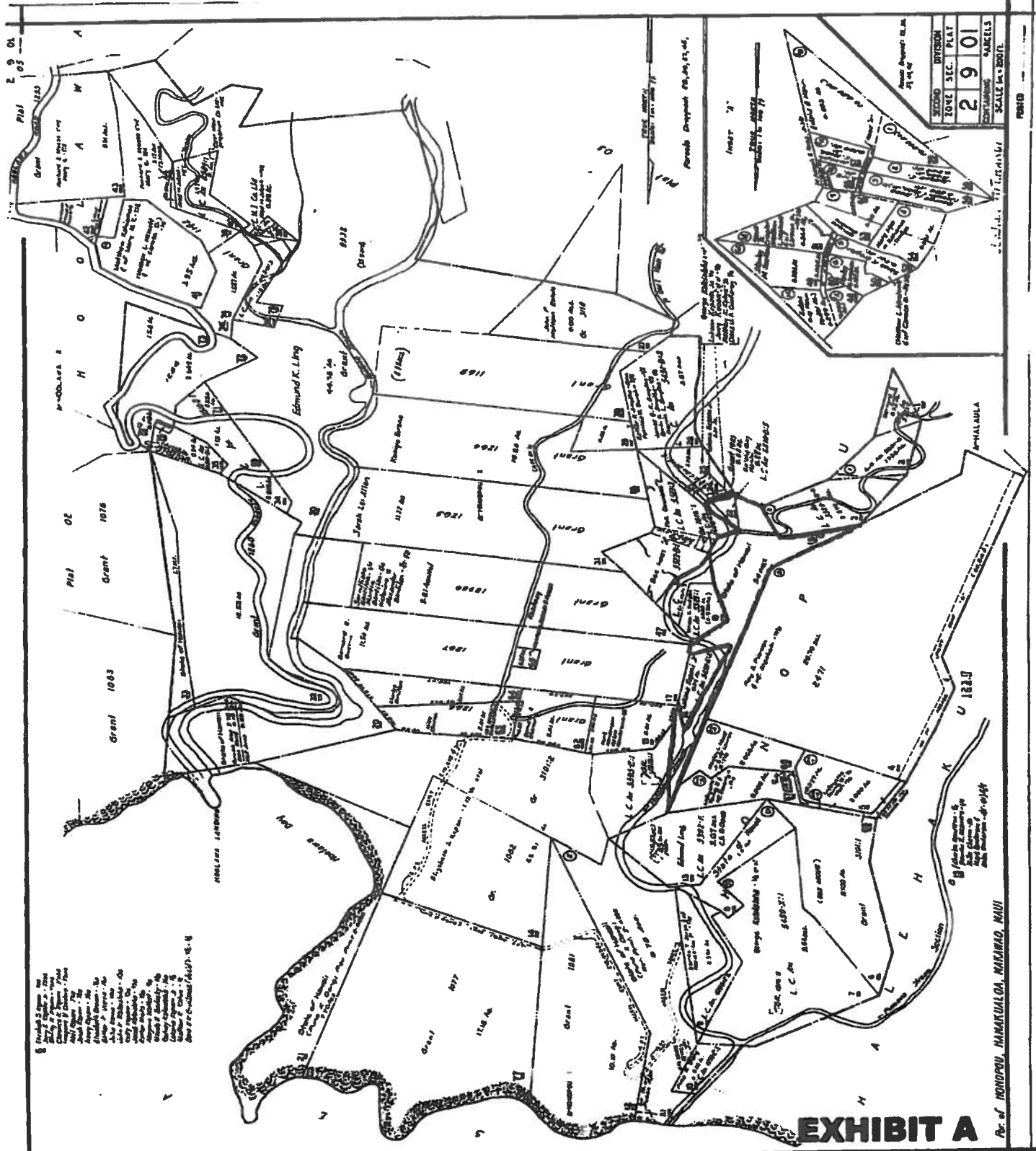
Respectfully Submitted,



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Larry Pacheco, Land Agent

APPROVED FOR SUBMITTAL:


William J. Aila, Jr., Chairperson



SECTION	DIVISION	PLAT
2	9	01
SCALE 1/2" = 100 FT.		

EXHIBIT A

Part of MONIOPU, HAWAIIAN ISLANDS, HAWAII

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NEIL ABERCROMBIL
GOVERNOR OF HAWAII



WILLIAM J. AILA, JR.
CHAIRPERSON
HAWAIIAN LAND AND NATURAL RESOURCES
COMMISSION ON WATER QUALITY MANAGEMENT



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

May 13, 2011

EXEMPTION NOTIFICATION

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

Project Title: Wanda Vierra, Lurlyn Scott, and Beatrice Kekahuna

Project / Reference No.: PSF# 11MD-052

Project Location: Honopou, Hamakualoa, Makawao, Maui
TMK: (2) 2-9-001:018

Project Description: Month-to-Month Revocable Permit for General Agriculture Purposes

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

Exemption Class: 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" and No. 4, that states "Minor alteration in the conditions of land, water or vegetation."

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

5/17/11

Date

EXHIBIT "B"