

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

August 22, 2014

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

PSF#08MD-009

Maui

Issuance of Revocable Permit to John and Gloria Coston for General Agriculture  
Purposes, Kahakuloa, Wailuku, Maui, Tax Map Key: (2) 3-1-004:049.

APPLICANT:

John and Gloria Coston, Husband and Wife, Tenants in Common.

LEGAL REFERENCE:

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

LOCATION:

Portion of Government lands of situated at Kahakuloa, Wailuku, Maui, identified by Tax  
Map Key: (2) 3-1-004:049, as shown on the attached map labeled Exhibit A.

AREA:

0.263 acres, more or less.

ZONING:

State Land Use District: Rural

County of Maui: Rural

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 Agricultural purposes.

COMMENCEMENT DATE:

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

MONTHLY RENTAL:

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-7822 Valentine Redo	1.53 acres	\$40.00 monthly rent	6/2012 to present
S-7529 Solomon Kaauamo	2.990 acres	\$40.00 monthly rent	7/1985 to present
S-7568 William Latham	.0670 acres	\$40.00 monthly rent	12/2009 to present

The above month-to-month revocable permits have been issued for agriculture purposes and are all located on the east side of Maui.

COLLATERAL SECURITY DEPOSIT:

Twice the monthly rental.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with the "Division of Land Management's Environmental Impact Statement Exemption List", approved by the Environmental Council and dated April 28, 1986, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 1, "Operations, repairs or maintenance of existing structures, facilities, equipment or topographical features, or change of use beyond that previously existing." Item No. 1 that states "Routine maintenance of state lands to remove weeds, bushes, grass and other unwanted overgrowths."

DCCA VERIFICATION:

Not applicable – Applicants are not operating a business and, as such, are not required to register with DCCA.

REMARKS:

Parcel 49 was formerly encumbered by Revocable Permit No. S-6714 to Ernest Napuunooa (deceased), effective May 1, 1990 for agricultural purposes. Mr. Napuunooa began farming the parcel with his wife, Chiyoko Napuunooa, growing taro and ti leaf.

Mr. Ernest Napuunooa died on October 28, 1997. After his passing Mrs. Chiyoko Napuunooa had applied to have RP-6714 cancelled and a new revocable permit issued in her name for the continued use of the subject parcel. On January 25, 2002, under agenda item D-3 the Board authorized the issuance of a new revocable permit to Mrs. Napuunooa to replace Revocable Permit No. S-6714. Prior to the issuance of the new permit, Mrs. Napuunooa sold her property and decided not to move forward with her request for a new permit. Mrs. Napuunooa therefore requested the cancellation of Revocable Permit No. S-6714 via Board action of March 22, 2002, item D-10, rescinding the previous revocable permit of January 25, 2002, item D-3. On May 11, 2007, a Final Site inspection of parcel 049 was conducted. It was noted that the parcel had been cleared of all items belonging to Mr. and Mrs. Napuunooa allowing for the cancellation of revocable permit No. S-6714, effective March 31, 2002.

On May 6, 2004, Mr. John Coston and his wife Mrs. Gloria Coston submitted an application for a month-to-month revocable permit for the use of parcel 049 for agriculture purposes. The Costons are the owners of the adjacent private property (parcel 048) and would like to maintain and utilize parcel 049, as it is currently unencumbered and overgrown by weeds and miscellaneous grasses.

Mr. Coston indicated that he grew up on a farm where cultivation of various medicinal and edible crops was a way of life. He is also a graduate of Lahainaluna High School where he studied Agriculture and Horticulture and was a member of the Future Farmers of America program. He has experience with chemicals such as herbicides, pesticides and fertilizers and has obtained a state license for chemical application for agriculture purposes. He continues to work in the agriculture field as a landscaper with the Ritz Carlton Kapalua Resort. At his current position he assisted with maintaining a sod farm and interior plants throughout the resort.

The requested agriculture use is consistent with surrounding uses and Maui County zoning in the Kahakuloa area.

Mr. and Mrs. Coston 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.

Land Office Deed No. 26897 to the Maui Electric Company Ltd. currently encumbers 446 square feet of parcel 049 for a Perpetual Non-Exclusive Easement for pole and wire line purposes. This easement was effective as of January 26, 1978 and is not impacted by the Costons' requested use.

No other parties have expressed interest in leasing the subject parcel.

The small size and lack of interest make the parcel unfeasible for public auction.

Agency comments were solicited from the following agencies: Office of Hawaiian Affairs, Department of Hawaiian Home Lands, State Historic Preservation Division, County of Maui Planning and Public Works Division. All agencies provided a response of either no comments or no objections. The requested disposition would be consistent with existing and prior uses of the property.

The proposed use has continued since 1990 and will continue. 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 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 issuance of a revocable permit to John and Gloria Coston covering the subject area for 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,



Daniel Ornellas  
District Land Agent

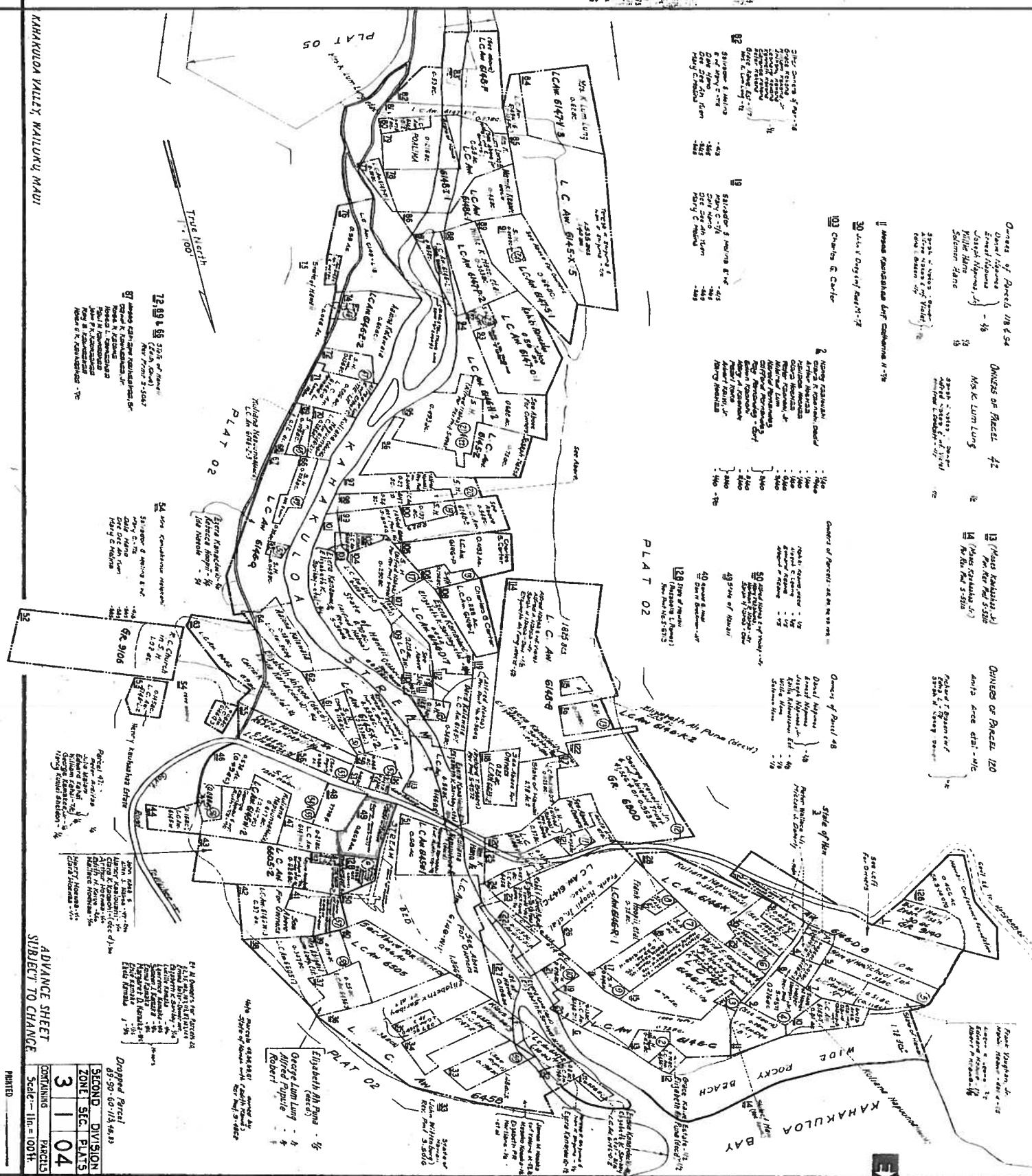
APPROVED FOR SUBMITTAL:



William J. Alla Jr., Chairperson



KAHAKULOA VALLEY, MAUI



Owners of Parcel 118 & 124  
 Daniel Magoon  
 Ernest Magoon  
 Joseph Magoon, Jr.  
 Willie Magoon  
 William Magoon  
 118  
 124  
 2000 sq. ft. each  
 from 1880

Owners of Parcel 41  
 Mrs. K. Lum Lungs  
 41  
 2000 sq. ft.  
 from 1880

13 (Parcel 120)  
 Mrs. K. Lum Lungs  
 13  
 2000 sq. ft.  
 from 1880

Owners of Parcel 120  
 Mrs. K. Lum Lungs  
 120  
 2000 sq. ft.  
 from 1880

19  
 2000 sq. ft.  
 from 1880

20  
 2000 sq. ft.  
 from 1880

21  
 2000 sq. ft.  
 from 1880

22  
 2000 sq. ft.  
 from 1880

23  
 2000 sq. ft.  
 from 1880

24  
 2000 sq. ft.  
 from 1880

25  
 2000 sq. ft.  
 from 1880

26  
 2000 sq. ft.  
 from 1880

27  
 2000 sq. ft.  
 from 1880

28  
 2000 sq. ft.  
 from 1880

29  
 2000 sq. ft.  
 from 1880

30  
 2000 sq. ft.  
 from 1880

31  
 2000 sq. ft.  
 from 1880

ADVANCE SHEET  
 SUBJECT TO CHANGE

CONTAINS	PAGES
3	104

Dropped Parcel  
 87-90-60-14, 85, 83

**EXHIBIT A**



STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
LAND DIVISION

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

August 22, 2014

## EXEMPTION NOTIFICATION

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

Project Title: Issuance of Revocable Permit to John and Gloria Coston for General Agricultural Purposes.

Project / Reference No.: PSF#08MD-009


Project Location: Kahakuloa, Wailuku, 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 "Division of Land Management's Environmental Impact Statement Exemption List", approved by the Environmental Council and dated April 28, 1986, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 1, "Operations, repairs or maintenance of existing structures, facilities, equipment or topographical features, or change of use beyond that previously existing." Item No. 1 that states "Routine maintenance of state lands to remove weeds, brushes, grass and other unwanted overgrowths."

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.

  
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William J. Aila Jr., Chairperson

  
\_\_\_\_\_  
Date