

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

January 9, 2015

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

PSF No.: 13HD-186

Hawai'i

Issuance of Revocable Permit for Agriculture Purposes to Ermino Mazzarino, Kiolakaa, Ka'u, Hawaii, Tax Map Key: (3) 9-4-003:014.

APPLICANT:

Ermino Mazzarino, married, tenant in severalty.

LEGAL REFERENCE:

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

LOCATION:

Portion of Government lands of Kiolakaa-Keaa Homesteads, situated at Kiolakaa, Ka'u, Hawaii, identified by Tax Map Key: (3) 9-4-003:014, as shown on the attached map labeled Exhibit A.

AREA:

2.439 acres, more or less.

ZONING:

State Land Use District: Agriculture
County of Hawaii CZO: A-20A (20 acre agriculture)

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:

Agriculture purposes.

COMMENCEMENT DATE:

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

MONTHLY RENTAL:

\$40.00 per month (minimum rent as established by the Board at its meeting of May 13, 2005, agenda item D-19).

COLLATERAL SECURITY DEPOSIT:

Twice the monthly rental.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

The Final Environmental Assessment for the subject project was published in the OEQC's Environmental Notice on July 8, 1995 with a finding of no significant impact (FONSI).

DCCA VERIFICATION:

Not applicable. The Applicant is an individual, and as such, is not required to register with DCCA.

REMARKS:

The subject property is unencumbered State land in the Ka'u district on the Island of Hawaii. It is a pie shaped piece of land consisting of 2.439 acres of rocky soil. There is no history of any prior agricultural use of the property. An environmental assessment¹ of the land was performed with the result of a Finding of No Significant Impact (FONSI).

Although the subject State parcel is along the Mamalahoa Highway, it cannot be accessed from the roadway due to the steep embankment running the length of the property. The Applicant's property abuts the State land on the west side. Access to the State land

¹ A negative declaration was published in the OEQC Bulletin on July 8, 1995. The property has remained vacant from the time the FONSI was published.

would be from Applicant's property. As a result of this restrictive access, the land is not suitable for lease at public auction and therefore, staff is recommending a month-to-month revocable permit be granted to the Applicant. The Hawaii District Office has not received any other requests for use of this parcel of State land.

The Applicant has managed his adjacent property for agriculture purposes for the past sixteen years and wishes to utilize the State land for the expansion of his orchards. He is currently raising coffee and assorted fruit trees. The Applicant has an extensive background in agriculture having grown and managed olive groves in Florida. An Environmental Assessment (EA) was performed on the property when the Applicant initiated this request in 1995. The result of the EA determined that the proposed use of the property would have no significant impact on the land or the surrounding environment.

The Applicant has 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.

A request for comments was sent to various government agencies. Only the State Department of Transportation provided comments on the subject property.

<i>County of Hawaii Agencies</i>	<i>Comments</i>
Environmental Management	No Comments
Police Department	No Comments
Planning	No Comments
Public Works	No Response
Water Department	No Objection
<i>State of Hawaii Agencies</i>	<i>Comments</i>
DOH-Environmental Management	No Comments
DHHL	No Objections
DLNR-Historic Preservation	No Objections
DOT-Highways Division	Comments Below
Dept. of Agriculture	No Comments
<i>Other Agencies</i>	<i>Comments</i>
Office of Hawaiian Affairs	No Response
U.S. Army Corps. Of Engineers	No Response

The State of Hawaii, Department of Transportation, Highways Division notes that the property is adjacent to a steep embankment along the Mamalahoa Highway and recommends the applicant take prudent measures in utilizing the property with appropriate setbacks and positive drainage measures to prevent deterioration of the slope

and damage to the highway below.

Staff is recommending the Board authorize the issuance of a revocable permit to Ermino Mazzarino for agricultural purposes incorporating the recommendations of the State DOT Highways Division stated above.

RECOMMENDATION: That the Board:

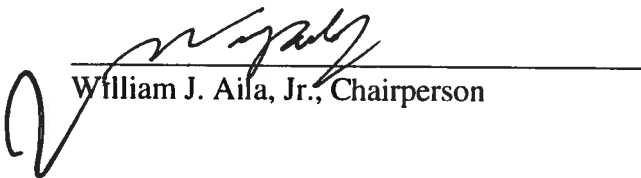
- I. Authorize the issuance of a revocable permit to Ermino Mazzarino covering the subject area for agriculture purposes under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:
 - a. The standard terms and conditions of the most current revocable permit form, as may be amended from time to time;
 - b. The applicant shall take prudent measures in utilizing the property with appropriate setbacks and positive drainage measures to prevent deterioration of the slope and damage to the highway below
 - c. Review and approval by the Department of the Attorney General; and
 - d. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,



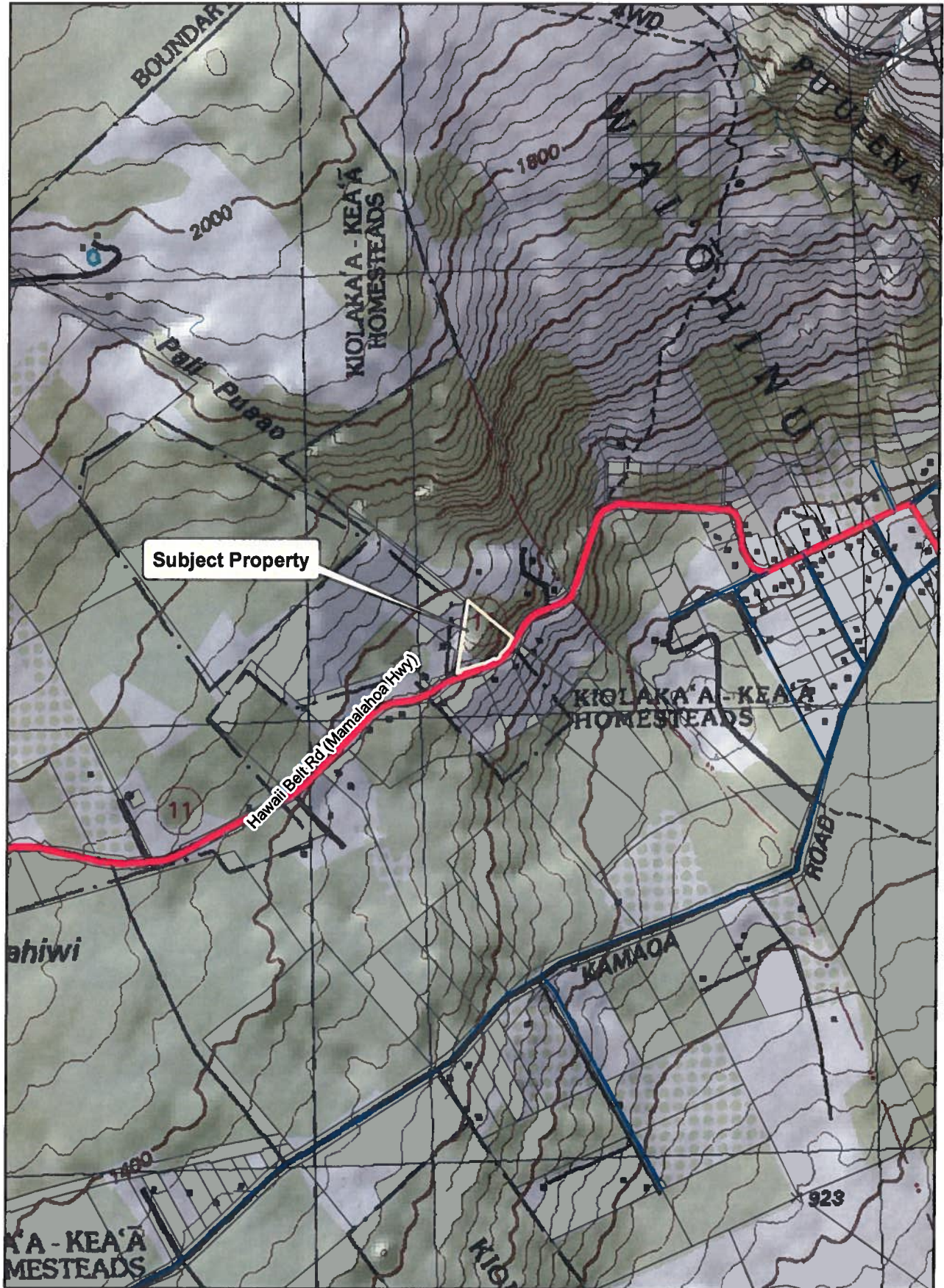
Gordon C. Heit
District Land Agent

APPROVED FOR SUBMITTAL:



William J. Aila, Jr., Chairperson

Kiolaka'a, Ka'u



Subject Property

Hawaii Belt Rd (Mamalahoa Hwy)

11

ahiwi

KA - KEA'A
MESTEADS

Feet

0 360 720 1,440 2,160 2,880

