

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

February 12, 2016

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

Maui

Cancellation of Revocable Permit No. S-7220 to the Department of Land and Natural Resources, Division of Forestry and Wildlife; and Issuance of a New Revocable Permit to Maui Invasive Species Committee (MISC), Kaeleku, Hana, Maui, Tax Map Key: (2) 1-3-004:015.

APPLICANT:

Maui Invasive Species Committee.

LEGAL REFERENCE:

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

LOCATION:

Government lands of Kaeleku situated at Hana, Maui, identified by Tax Map Key: (2) 1-3-004:015, as shown on the attached map labeled Exhibit B.

AREA:

4 acres, more or less.

EXHIBITS:

Exhibit A – Topographical photo of the current structure that is located on the property and used for storage of equipment and supplies.

Exhibit B – Tax Map of the subject property.

ZONING:

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

Encumbered by Revocable Permit No. S-7220, to the Department of Land and Natural Resources, Division of Forestry and Wildlife, for baseyard / storage purposes.

CHARACTER OF USE:

Baseyard / storage purposes.

COMMENCEMENT DATE:

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

MONTHLY RENTAL:

Gratis.

COLLATERAL SECURITY DEPOSIT:

Not applicable.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with the Department's Environmental Impact Statement Exemption List", approved by the Environmental Council and dated June 5, 2015, 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." Item No. 7, which states "Operations, repair and maintenance, of existing Department structures and facilities, including baseyards, offices, cabins, sheds, and fencing.

DCCA VERIFICATION:

Not applicable, University of Hawaii, Pacific Studies Unit.

REMARKS:

The subject property was formerly leased to Mr. Robert Frost under general lease number S-4520, for diversified agriculture purposes. On April 13, 1995, under Agenda Item F-2, the Board approved the cancellation of general lease number S-4520 for failure to keep lease rental payments current, post the required performance bond and failure to post required insurance policy.

Upon cancellation of the general lease to Mr. Frost, the Maui District Land office was approached by the Division of Forestry and Wildlife (DOFAW) for use of the property. At the time DOFAW was conducting their Miconia eradication project on adjacent lands and were in need of land in the area of the project for storage of their equipment and materials. It was determined that this was the most suitable and only available site to satisfy their needs.

Although the subject property abuts Hana Highway, instead of creating a new driveway, the adjacent property owner has allowed DOFAW and MISC the use of his driveway to access the parcel. If there was ever the need to create a new or separate driveway for ingress and egress to the parcel, it could easily be done.

MISC intends to utilize the property as a baseyard for work with controlling invasive species in the East Maui area. The existing facilities include a barn like structure and a shed which is used for parking vehicles and storing of equipment and supplies. There are no plans for additional improvements at this time.

MISC 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.

The Maui District Land Office has not received any request for the use of the subject property. At this time, a month-to-month tenancy is more appropriate than a long-term disposition. It is unclear on the length of time that the MISC operations will continue in the area and therefore, a month-to-month disposition is more suitable than a long-term general lease.

No agency comments were solicited for this request as there will be no change in use and we are simply removing management responsibilities for the property from DOFAW and passing it on to MISC.

The proposed use has continued since August 1, 2000, 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:

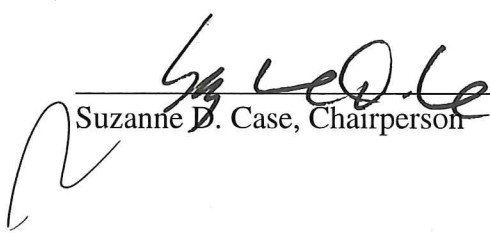
1. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Chapter 11-200, HAR, this project will probably have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment.
2. Authorize the issuance of a revocable permit to the Maui Invasive Species Committee covering the subject area for baseyard 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:

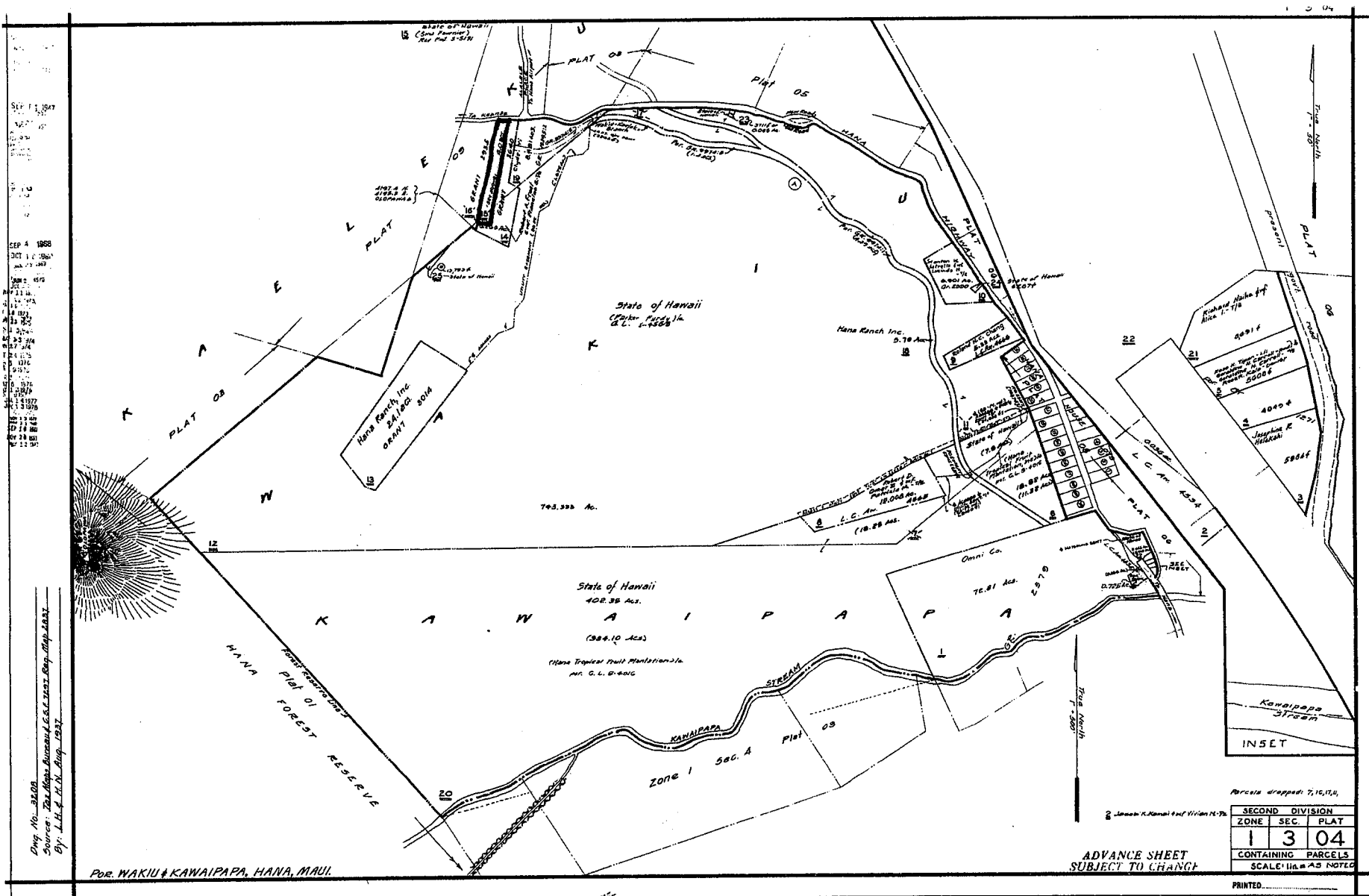


Suzanne D. Case, Chairperson

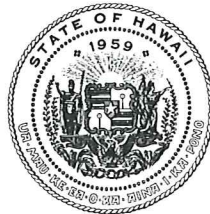


Existing structure on the subject property. TMK: (2) 1-3-004:015

Exhibit B



DAVID Y. IGE
GOVERNOR OF
HAWAII



SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

KEKOA KALUHIWA
FIRST DEPUTY

JEFFREY T. PEARSON
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

February 12, 2016

EXEMPTION NOTIFICATION

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

Project Title: Cancellation of Revocable Permit No. S-7220 to the Department of Land and Natural Resources, Division of Forestry and Wildlife; and Issuance of a New Revocable Permit to Maui Invasive Species Committee (MISC),

Project / Reference No.: 16MD-003


Project Location: Kaeleku, Hana, Maui, Tax Map Key: (2) 1-3-004:015.

Project Description: Property to be used for baseyard purposes for storage of equipment and supplies.

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

Exemption Class No. and Description: In accordance with Hawaii Administrative Rule Section 11-200-8 and the Exemption List for the Department of Land and Natural Resources approved by the Environmental Council and dated June 5, 2015, 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 Item No. 7, which states "Operations, repair and maintenance, of existing Department structures and facilities, including baseyards, offices, cabins, sheds, and fencing."

Recommendation: It is anticipated that the intended use will have minimal or no significant effect on the environment and is presumed to be exempt from the preparation of an environmental assessment.


Suzanne D. Case, Chairperson


Date: 1/28/16