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

November 19, 2009

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

PSF No.08MD-209

MAUI

Issuance of Revocable Permit to Larry G. Alexander for Pasture Purposes, Honopou and Hoolawa, Makawao, Maui, Tax Map Key:(2) 2-9-002:012 and 017.

APPLICANT:

Larry G. Alexander, Husband of Ann Marie Alexander, as tenant by severalty.

LEGAL REFERENCE:

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

LOCATION:

Portion of Government lands situated at Honopou and Hoolawa, Makawao, Maui, identified by Tax Map Keys: (2) 2-9-002:012 and 017, as shown on the attached map labeled Exhibit A and GIS topographical photo labeled Exhibit B.

AREA:

(2) 2-9-002:012	3.2 acres more or less
(2) 2-9-002:017	11.3 acres more or less

ZONING:

State Land Use District:	Agriculture and Conservation
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: YES ____ NO _x_

CURRENT USE STATUS:

Parcel 012 Encumbered by Grant of Non-Exclusive Easement bearing LOD No. S-28030, Michael Marquard, Michael Marquard as custodian for Michelle Marguard and

Michael Marquard as Trustee under the Alexandra Morrow 1992 Irrevocable property Trust dated 12/28/1992, Grantees, for access and utility purposes.

Encumbered by Grant of Non-Exclusive Easement bearing LOD No. S-28403, Assigned to Robert Luyken and Diane Garrett, and Heather Spell, Grantees, for access and utility purposes.

Encumbered by Grant of Non-Exclusive Easement bearing LOD No. S-28542, Kahui Pono LLC, Grantee, for access and utility purposes.

Parcel 017 — Encumbered by Grant of Non-Exclusive Easement bearing LOD No. S-28542, Kahui Pono LLC, Grantee, for access and utility purposes.

CHARACTER OF USE:

Pasture 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 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, that states in part " 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."

DCCA VERIFICATION:

Not Applicable, Applicant is not operating a business and, as such, is not required to register with DCCA.

REMARKS:

On July 15, 1969, Mr. Antone Decosta was issued Revocable Permit No.

S-4357. He proposed to clean the area of noxious weed and utilize it for pasture purposes. The permit covered tax map keys: 2-9-2:17, 22 and 24. The permit was terminated on August 31, 1987.

The Land Board at its meeting of May 11, 1984, authorized the issuance of a revocable permit to Mr. Antone Decosta for pasture purpsoes. By having tmk: 2-9-2:12, Mr. Decosta would have an alternate access to his leased properties thereby enabling him to better utilize all the lands now under his control. The State properties are landlocked parcels. Revocable Permit No. S-6115 commenced on June 1, 1984 and was cancelled on August 31, 1987.

The Land Board at its meeting of October 28, 1988, under agenda Item F-1-c, authorized the issuance of a revocable permit to Mr. Steven DeCoite for pasture purposes. The permit covered tax map keys: 2-9-002:012 and 017. Mr. DeCoite was a former tenant of the State and had use of surrounding parcels from private landowners and the subject parcels are an extension of these lands. Revocable Permit No. S-6588 commenced on November 1, 1988 and was cancelled on August 31, 2003.

The Land Board at its meeting of April 25, 2003, under agenda Item D-7, approved to cancel Revocable Permit No. S-6588 and S-6701 and authorized the issuance of a new revocable permit to Steven DeCoite and Adventures on Horseback, Ltd. for pasture purposes. Revocable Permit No. S-7354 commenced on September 1, 2003. On April 2, 2004, Mr. Franklin Levinson (owner of Adventures on Horseback) submitted a written request to the Maui Land Division to remove his business name from the revocable permit due to his frequent absences out of state. Mr. DeCoite continued to comply with the terms and conditions of Revocable Permit No. S-7354 until his death on February 6, 2005. Ms. Florence Harold, Mr. DeCoite's companion had earlier applied with Mr. DeCoite for a new revocable permit under both their names. Mr. DeCoite's passing stopped the processing of the request. Staff attempted to work with Ms. Harold toward the issuance of a new revocable permit but was unsuccessful due to her frequently changing her plans and/or adding business partners. Staff finally requested the cancellation of Revocable Permit No. S-7354 effective October 21, 2008.

Parcel (2) 2-9-002:012 has access from an old government road. By adjudication, an access and utility easement that runs for the most part along the western boundary was granted to neighboring landowners, further decreasing the useable area. There is no access to water on this parcel. Water must be brought in or a catchment system would need to be established to provide water for animals pastured on the State property.

Parcel (2) 2-9-002:017 has access via an easement road established upon the creation of the Ho'olawa Point Subdivision. This roadway physically divides parcel 017 into two separate pasture areas. Cattle guards were installed as per the request of Mr. Steven DeCoite. This provides safe passage for the cattle between the two pasture areas, and allows for free flow of traffic accessing the

properties comprising the Ho'olawa Point Subdivision. There is no access to water on this parcel. Water must be brought in or a catchment system would need to be established to provide water for animals pastured on the State property. There is a strip of Conservation zoned land on the very makai end of the parcel that consists mainly of steep cliffs. This area shall remain as open space. Although highly unlikely, if Mr. Alexander is able to utilize this area, Mr. Alexander has been informed that prior to making any improvements within this area, he will be required to obtain approval from the Office of Conservation and Coastal Lands.

Grazing of cattle and horses in agriculture-zoned lands are allowed under County ordinances.

Mr. Alexander 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. Mr. Alexander currently has General Lease No. S-5597 for pasture purposes. A review of his file, the Maui District Land Office has had no problems or concerns relative to Mr. Alexander's ability to maintain and properly pasture animals.

Mr. Alexander has owned and managed cattle for over thirty years. Therefore, Mr. Alexander is qualified as a bona fide rancher pursuant to Section 171-14.5, Hawaii Revised Statues.

Comments were solicited from the following agencies:

Agency	Comments
Office of Hawaiian Affairs	No comments
Office of Conservation and Coastal Lands	No response
County of Maui - Public Works	No comments
DLNR - Historic Preservation	No response
Commission on Water Resource Management	No response
Dept of Hawaiian Home Lands	No comments
County of Maui - Planning	No objections

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 Mr. Larry G. Alexander covering the subject area for pasture 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.

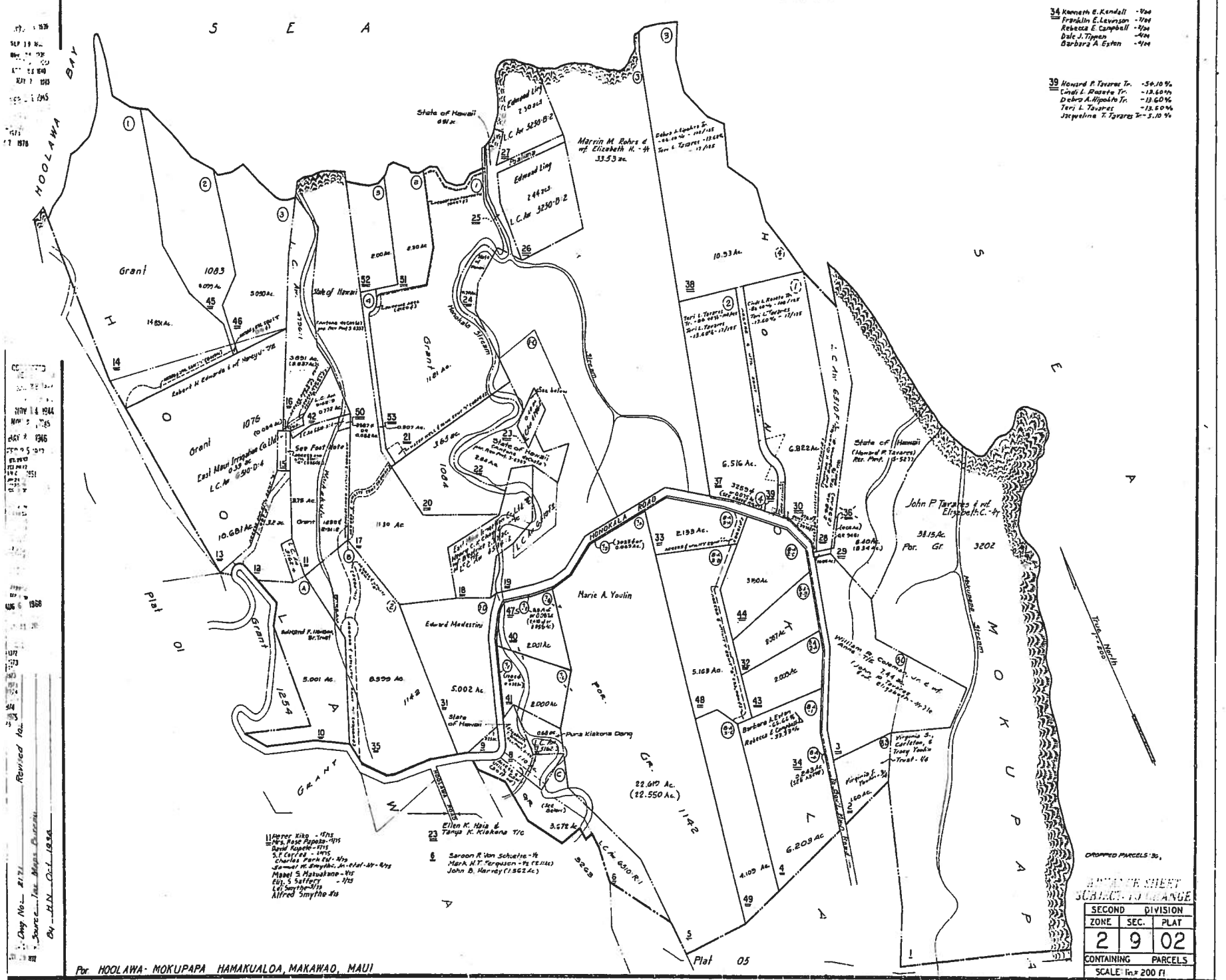
Respectfully Submitted,

for Larry Pacheco
Land Agent

APPROVED FOR SUBMITTAL:

Laura H. Thielen, Chairperson

2 9 02



Por. HOOLAWA - MOKUPAPA HAMAKUALOA, MAKAWAO, MAUI

EXHIBIT A

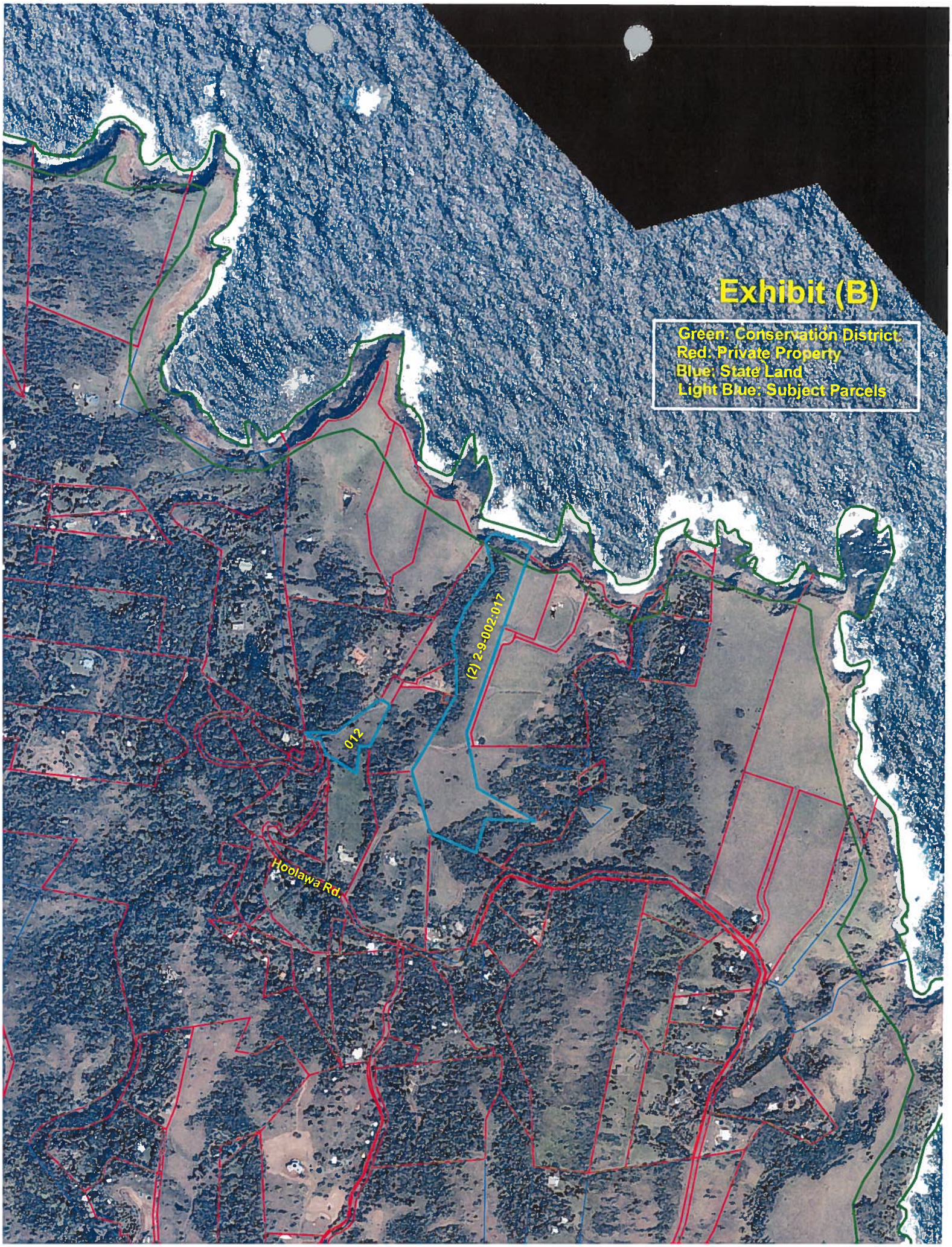


Exhibit (B)
Green: Conservation District
Red: Private Property
Blue: State Land
Light Blue: Subject Parcels
(2) 2-9-002-017
012
Hoolawa Rd.