

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

March 28, 2008

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

PSF No.: 08HD-041

HAWAII

Set Aside to the Department of Land and Natural Resources,
Division of Forestry and Wildlife for Addition to Hilo Forest
Reserve and Issuance of a Management Right-of-Entry at
Laupahoehoe, Hawaii, Tax Map Key: (3) 3-6-6:46

APPLICANT:

Department of Land and Natural Resources, Division of Forestry
and Wildlife

LEGAL REFERENCE:

Section 171-11, Hawaii Revised Statutes (HRS), as amended.

LOCATION:

Portion of Government lands situated at Laupahoehoe, North Hilo,
Hawaii, identified by Tax Map Key: (3) 3-6-6:46, as shown on the
attached map labeled Exhibit A.

AREA:

110.00 acres, more or less.

ZONING:

State Land Use District: Agriculture
County of Hawaii CZO: A-20A

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 General Lease No. S-5320, Peter Jose and Richard
Jose, Lessee, for pasture purposes. Lease to expire on June 29,

2028

PURPOSE:

Addition to Hilo Forest Reserve.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

This action before the Board is merely a transfer of management jurisdiction and does not constitute a use of State lands or funds, and therefore, this action is exempt from the provisions of Chapter 343, HRS, relating to environmental impact statements. Inasmuch as the Chapter 343 environmental requirements apply to Applicant's use of the lands, the Applicant shall be responsible for compliance with Chapter 343, HRS, as amended.

APPLICANT REQUIREMENTS:

Applicant shall be required to:

- 1) Provide survey maps and descriptions according to State DAGS standards and at Applicant's own cost.

BACKGROUND:

General Lease No. S-5320 was issued to Richard Jose under Act 237, Session Laws of Hawaii 1988. The Act gave the Department authority to convert month-to-month agricultural revocable permits to long-term leases.

At its meeting of February 10, 1995, under agenda Item F-1-d, the Board consented to the assignment of General Lease No. S-5320 from Richard Jose to Peter Jose and Richard Jose.

ANALYSIS:

The Division of Forestry and Wildlife (DOFAW) cooperatively with the U.S. Forest Service intends to establish the Hawaii Tropical Experimental Forest on approximately twenty (20) acres. The proposed site would be used for research, educational, and housing facilities to support the proposed tropical experimental forest.

The Lessee has been contacted and the parties are working on the configuration of the proposed tropical experimental forest.

Comments were solicited from:

DHHL	No response
DOCARE	No response
Historic Preservation	No comments
Na Ala Hele	No response

OCCL	No response
County Planning	No objections
County Public Works	No comments
County Parks & Recreation	No response
OHA	Do not want introduction of non-native, invasive species.

DOFAW has indicated that it would assume management of the lease. Eventually a separate submittal will cover the request for the withdrawal of 20 acres from General Lease No. S-5320 and the issuance of a new direct lease to the U.S. Forest Service.

In order for DOFAW to start the necessary groundwork, a management right-of-entry is necessary. Staff has no objections to the request.

RECOMMENDATION:

That the Board, subject to Applicant fulfilling the Applicant Requirements above:


1. Approve of and recommend to the Governor the issuance of an executive order setting aside the subject lands to Department of Land and Natural Resources, Division of Forestry and Wildlife under the terms and conditions cited above, which are by this reference incorporated herein and subject further to the following:
 - A. The standard terms and conditions of the most current executive order form, as may be amended from time to time;
 - B. Disapproval by the Legislature by two-thirds vote of either the House of Representatives or the Senate or by a majority vote by both in any regular or special session next following the date of the setting aside;
 - 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.
2. Authorize the issuance of a management right-of-entry permit to Division of Forestry and Wildlife covering the subject area, which are by this reference incorporated herein and further subject to the following:
 - A. The standard terms and conditions of the most current right-of-entry permit form, as may be amended from

time to time; and

- B. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.
3. Transfer General Lease No. S-5320 to Division of Forestry and Wildlife.
 4. Authorize the Division of Forestry and Wildlife to conduct a public hearing for the addition to the Forest Reserve System.
 5. Authorize the Chairperson to set the date and time for a public hearing and appoint a Hearing Master.

Respectfully Submitted,



 _____
Wesley Matsunaga
Land Agent

APPROVED FOR SUBMITTAL:



Laura H. Thielen, Chairperson

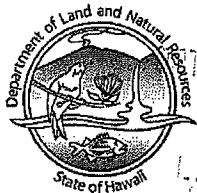
LINDA LINGLE
GOVERNOR OF HAWAII



LAURA H. THIELEN
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

KEN C. KAWAHARA
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

DIVISION OF FORESTRY AND WILDLIFE
1151 PUNCHBOWL ST., ROOM 325
HONOLULU, HAWAII 96813
TEL (808) 587-0166 FAX (808) 587-0160

November 1, 2007

MEMORANDUM

To: Russel Tsuji, Administrator
DLNR Land Division

From: Paul Conry, Administrator
DLNR Division of Forestry and Wildlife

Subject: TMK: 3-6-006-046
Request to have 20 acres subdivided and leased to the USDA, Forest Service and the remaining area set aside to the Division of Forestry and Wildlife

Paul J Conry

RECEIVED
LAND DIVISION
2007 NOV -3 A 3:28
DEPT OF LAND &
NATURAL RESOURCES
STATE OF HAWAII

With the establishment of the Hawaii Tropical Experimental Forest the need for research, educational and housing facilities to support the experimental forest is needed. The parcel above was identified as the best location to site the facility. The minimum size that can be subdivided for this area is 20 acres and would be located around the entrance gate to Laupahoehoe from Blair Road.

We have been in contact with the current lessee, Peter Jose which has agreed to the withdrawal of 20 acres from his lease with the remaining land continuing on till its expiration. With the set aside to DOFAW, we would assume management of the pasture lease upon transfer. The lessee requested if possible that parcel ~~4-4-4-31~~ be provided to him on a month-to-month revocable permit to compensate for the loss of pasturage.

DOFAW and the US Forest Service is willing to provide any support or assistance needed to complete this action, including funding any necessary metes and bounds surveys. Thank you for your consideration of this request. If you have any questions please contact Roger Imoto, Hawaii Branch Manager at 44220.

tmk:
(3) 4-1-4:31

EXHIBIT "B"