

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

April 25, 2008

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

PSF No.: 01KD-326,
01KD-327, 01KD-328

KAUAI

Amend Prior Board Actions of February 23, 2001 (D-11) and August 24, 2001 (D-20), Issuance of Revocable Permits to Various Private Individuals, Companies, Organizations; Set Asides to Department of Land and Natural Resources Divisions and the County of Kauai; and Immediate Rights of Entries, Wailua and Kawaihau, Kauai, Tax Map Keys: (4) 3-9-1:2; 3-9-2: 1, 9, 20; 4-2-1:3

BACKGROUND:

At a public auction held on October 31, 1974, General Lease No. S-4412 was issued to Lihue Plantation Co., Ltd. The term was from October 31, 1974 to October 30, 1999. The character of use was sugar cane cultivation and harvesting, pasturing and other diversified agricultural uses; provided, however, that no more than 60 acres of the leased land shall be used for pasturing and no more than 10 acres for other diversified agricultural uses. The lease covered approximately 6,543.668 acres including lands suitable for cultivation of sugar cane, gulch land, waste and swamp lands. The annual rental at the time of expiration was \$56,250. The Land Board on January 14, 2000, under agenda item D-6 granted Lihue Plantation Co. a one (1) year holdover.

The Land Board at its meeting of February 23, 2001, under agenda item D-11, approved the issuance of 13 revocable permits to Godwin Esaki, Lara Butler, GE Farms, Inc., Leslie Milnes, Rodolfo and Aurora Bunao, Elesther Calipjo, Michael Fernandes, William and Alison Sanchez, Saiva Siddhanta Church, Manuel Andrade, Sr., Kenneth Bray, Robert Ferreira, Gerald Sanchez covering lands formerly leased to Lihue Plantation Co. Furthermore, the Board approved to recommend to the Governor set asides to (1) County of Kauai approximately 18 acres for recreational use; (2) Department of Land and Natural Resources, Division of Aquatic Resources approximately 36.708 acres for freshwater fisheries development; (3) Department of Land and Natural Resources, Division of Forestry and Wildlife approximately 54 acres for addition to the Lihue-Koloa Forest Reserve and (4) Department of Land and Natural Resources, Division of State Parks approximately 10 acres for addition to the Wailua River State Park.

The Land Board at its meeting of August 24, 2001, under agenda item D-20, amended its prior approval of February 23, 2001 by eliminating Robert Ferreira and replacing it with Kelly Gooding.

The Land Board at its meeting of October 25, 2002, under agenda item D-4, approved the cancellation of revocable Permit Nos. S-7281 and 7273 and re-issuance of revocable permits to Kenneth Bray, G.E. Farms, Inc., Derek Rapozo, Milton and Melanie-Ann Ching.

The ADC Board at its meeting of March 18, 2005, agreed to accept the set aside of the Department of Land and Natural Resources Kalepa properties and the East Kauai water system.

The Land Board at its meeting of July 22, 2005, under agenda item D-1, deferred staff's request to recommend to the Governor a set aside to ADC for lands in Hanamaulu and Wailua; and waters and water distribution systems in the drainage basins of North Wailua, Kapaa, Anahola and Hanalei River. The Board decided to wait for the outcome of the contested case process on the Blue Hole diversion (KIUC).

Governor on August 11, 2006 signed Executive Order No. 4168 issued to the County of Kauai for 18.007 acres to be used for recreational purposes.

As of this writing still pending are set asides to the Department of Land and Natural Resources: Division of Aquatic Resources, Division of Forestry & Wildlife and Division of State Parks.

REMARKS:

Still pending, the Division of Forestry & Wildlife (DOFAW) has not completed the subdivision for 52 acres to be added to the Lihue-Koloa Forest Reserve. Staff contacted the other 2 DLNR Divisions. Division of Aquatic Resources and the Division of State Parks are no longer interested.

In order for DOFAW to start the necessary groundwork, a management right-of-entry is necessary. Staff has no objections to the request. Pursuant to Section 183-11 and 12, Hawaii Revised Statutes, as amended, DOFAW has to conduct a public hearing. Staff added these requirements.

RECOMMENDATION: That the Board:

- I. Amend its prior Board actions of February 23, 2001 (D-11 and August 24, 2001 (D-20) by:
 - A. Delete any references of set asides to the Division of Aquatic Resources and Division of State Parks.

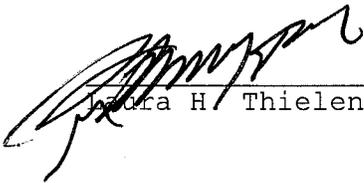
- B. Authorize the issuance of a management right-of-entry permit to Division of Forestry and Wildlife covering the subject area, which are by this reference incorporated herein and further subject to the following:
 - 1. The standard terms and conditions of the most current right-of-entry permit form, as may be amended from time to time; and
 - 2. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.
 - C. Authorize the Division of Forestry and Wildlife to conduct a public hearing for the addition to the Forest Reserve System.
 - D. Authorize the Chairperson to set the date and time for a public hearing and appoint a Hearing Master.
- II. All terms and conditions listed in its February 23, 2001 (D-11 and August 24, 2001 (D-20) approval to remain the same.

Respectfully Submitted,



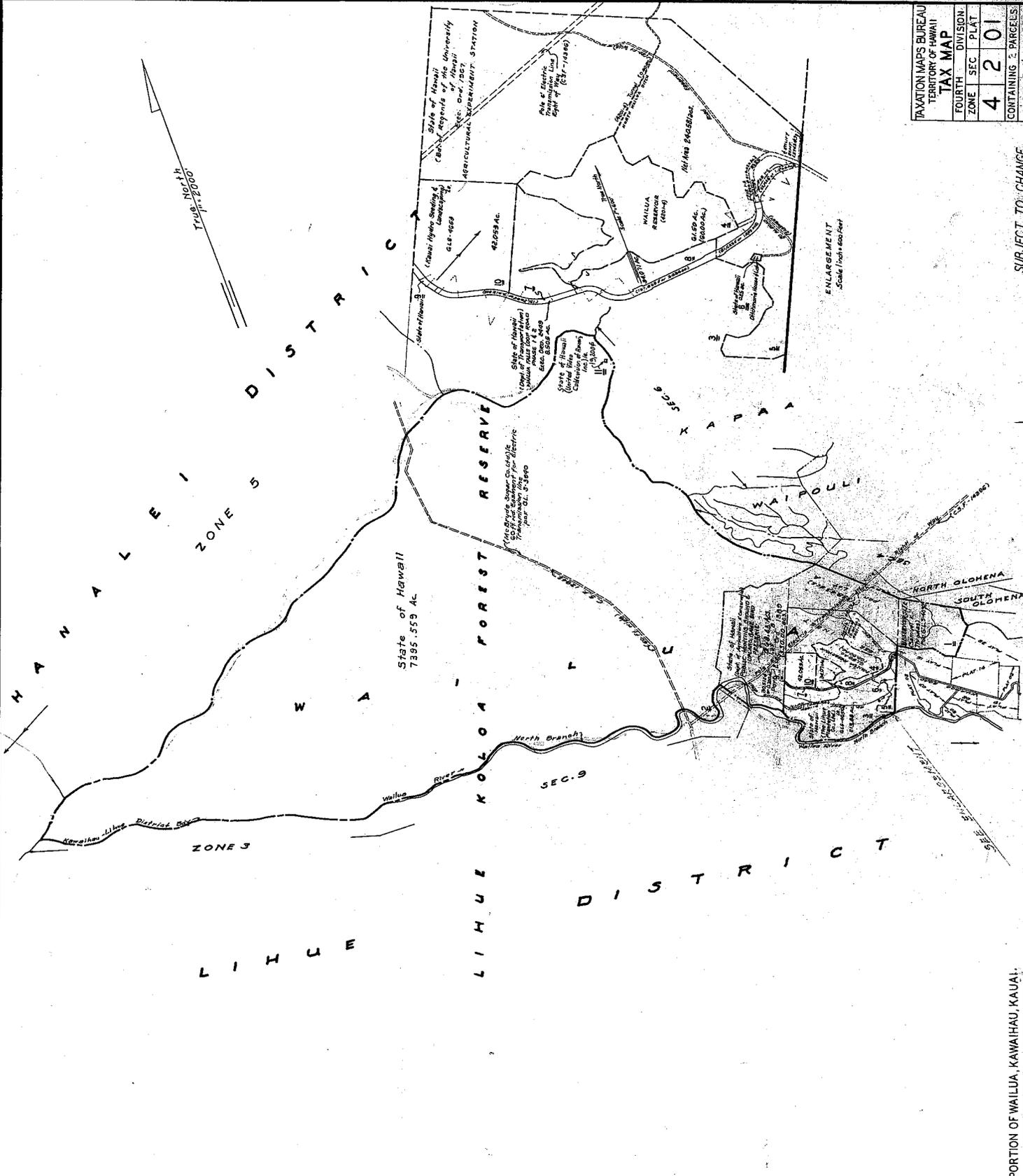
Charlene E. Unoki
Assistant Administrator

APPROVED FOR SUBMITTAL:



Laura H. Thielen, Chairperson





TAXATION MAPS BUREAU			
TERRITORY OF HAWAII			
TAX MAP			
FOURTH	DIVISION	PLAT	
ZONE	SEC	PLAT	
4	2	01	
CONTAINING 2 PARCELS			
SCALE: 1 IN. = 500 FEET			

SUBJECT TO CHANGE

PORTION OF WAILUA, KAWAIHAU, KAUAI.

Eng. No. 2911
 Source: Tax Maps Bureau of Survey Dept.
 L.K.H. & R.S.G.
 August, 1936.

RECEIVED
 JAN 11 1937
 TAX MAPS BUREAU
 TERRITORY OF HAWAII
 HONOLULU