

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

August 22, 2008

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

PSF No.:08HD-123

HAWAII

Withdrawal from Governor's Proclamation dated January 3,
1923, Waiakea, Hawaii, Tax Map Key: (3) 2-4-49:portion 31.

APPLICANT:

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

LEGAL REFERENCE:

Section 171-11, Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government lands of Panaewa Farm Lots, 2nd Series
situated at Waiakea, South Hilo, Hawaii, identified by Tax Map
Key: (3) 2-4-49: portion 31, as shown on the attached map labeled
Exhibit A.

AREA:

100 square feet, more or less.

ZONING:

State Land Use District: Agriculture
County of Hawaii CZO:

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:

General Lease No. S-4205, Flowers, Inc., Lessee, for cultivation,
wholesaling, retailing and packing of nursery products and
related uses. Lease to expire on September 25, 2023.

PURPOSE:

Waiakea Forest Reserve purposes.

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.

APPLICANT REQUIREMENTS:

None

BACKGROUND:

On September 26, 1968, a public auction was held at the State Building in Hilo, Hawaii. Mr. Shinobu Oshima was the successful bidder. General Lease No. S-4205 was issued. The lease will expire on September 25, 2023.

The Land Board at its meeting of December 9, 2005, under agenda Item D-1, approved to set aside various Land Division agricultural leases, permits and vacant lands to the Department of Agriculture pursuant to Act 90, Session Laws of Hawaii 2003. General Lease No. S-4205 is one of the agricultural leases' identified.

Recently DAGS Survey Division informed staff that several of Land Division leases in Panaewa were never withdrawn from Governor's Proclamation dated April 11, 1917 (Panaewa Forest Reserve) and Governor's Proclamation dated January 3, 1923 (Waiakea Forest Reserve). DAGS Survey Division also contacted the Division of Forestry and Wildlife (DOFAW) staff and reviewed their forest reserve records.

ANALYSIS:

We are unable to determine why the withdrawal was not done when Land Management nka Land Division conducted a public auction in 1968. The subject area is very small. Furthermore, the subject area clearly has no important forest resources that would need to be protected and preserved by DOFAW.

Comments were solicited from:


DHHL	No comments
County Planning Department	No comments
OHA	No objections
DOFAW	No comments
DAGS Survey Division	No comments

This submittal only covers Waiakea Forest Reserve. A separate submittal will cover Panaewa Forest Reserve. In closing, staff is recommending this area be withdrawn. DOFAW has no objections.

RECOMMENDATION: That the Board:

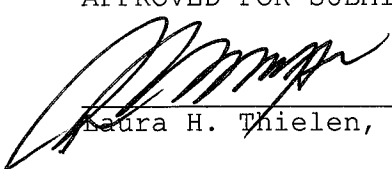
1. Approve of and recommend to the Governor issuance of an executive order withdrawing 100 square feet from the Governor's Proclamation dated January 3, 1923, subject to:
 - A. The standard terms and conditions of the most current executive order form, as may be amended from time to time;
 - B. Disapproval 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 Division of Forestry and Wildlife to conduct a public hearing for the withdrawal from the Forest Reserve System.
3. Authorize the Chairperson to set the date and time for a public hearing and appoint a Hearing Master.

Respectfully Submitted,



Charlene E. Unoki
Assistant Administrator

APPROVED FOR SUBMITTAL:



Laura H. Thielen, Chairperson

