

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

October 14, 2010

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

PSF No.: 10HD-160

Hawai'i

Issuance of Revocable Permit to Yun Yan Huang, Hakalau-iki, Hakalau South Hilo, Hawaii,
Tax Map Key: 3rd/2-9-02:47.

APPLICANT:

Yun Yan Huang, single, Tenants in Severalty.

LEGAL REFERENCE:

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

LOCATION:

Portion of Government lands situated at Hakalau, South Hilo, Hawaii, identified by Tax
Map Key: 3rd/2-9-02:47, as shown on the attached map labeled Exhibit A.

AREA:

6.793 acres, more or less.

ZONING:

State Land Use District: Urban
County of Hawaii CZO: RS-7.5

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act

DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: YES

CURRENT USE STATUS:

Vacant and unencumbered.

CHARACTER OF USE:

Agriculture 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:

See Exemption Notification attached as Exhibit B.

DCCA VERIFICATION:

Not applicable. Applicant is a sole proprietorship and, as such, is not required to register with DCCA.

REMARKS:

This property was formally encumbered under General Lease No. S-5598 to Pat and Aude Bravo. The lease was cancelled by the Board at its meeting of August 12, 2010 under agenda item D-6 for failure to keep lease rent current and other defaults. The character of use for the lease was intensive agriculture. Previously, the property was used for sugar cultivation under leases to the sugar companies and private individuals.

Under the current County zoning regulations for single-family residential use (RS-7.5) crop production is an allowed use. This is consistent with the past use of the property as it was in sugar production for many years and most recently, intensive agriculture.

The Applicant 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 Applicant and her family had been working with the former Lessee on improving and developing the land for its intended use as an agricultural lease. They have made substantial investments in improving the storage facilities and have planted fruit and vegetable crops that are in need of constant attention.

They have an extensive background of farming in southern China going back several generations. They have experience growing a wide variety of crops along the Hamakua coast and market their product through wholesalers and in the local markets.

Although there have been no other applicants requesting the same parcel, staff has informed the Applicant that the parcel meets the criteria for long-term leasing through the public auction process and at sometime in the future, this parcel will be made available for lease at auction.

Request for comments were distributed to various government agencies and their responses are included below.

County of Hawaii Agencies	Comments
Environmental Management	No Response
Planning	Comments Below
Police Department	No Objection
Public Works	No Response
Water Department	No Response
State of Hawaii Agencies	Comments
DLNR-Historic Preservation	No Response
DLNR- Forestry and Wildlife	No Comments
DOH-Environmental Management	No Comments
DHHL	No Response
DOT-Highways Division	No Objection
Other Agencies	Comments
Office of Hawaiian Affairs	No Response
NRCS	No Response

The County of Hawaii Planning Department is requesting the Applicant conform to the zoning designation of the Hawaii County Code, Section 25-5-3(a)(4), permitted uses in the RS district allowing for crop production but also notes that “agricultural products processing, minor or major” are not allowed under Section 25-1-5(b).

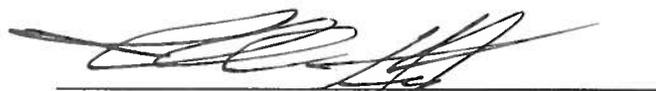
The HDLO staff believes this request and the intended use of these State lands should be exempted from the preparation of an environmental assessment because the intended use is consistent with past use of the property. Prior to the most recent intensive agriculture use, the land had been in sugar cultivation for many decades. 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 Yun Yan Huang covering the subject area for agriculture 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,



Gordon C. Heit
Land Agent

KAM

APPROVED FOR SUBMITTAL:



Laura H. Thielen, Chairperson



Hakalau



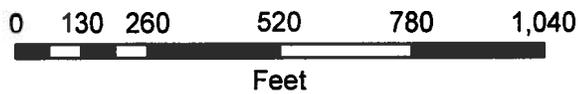
Subject Property
(3) 2-9-02:47

Kulaiwi Rd

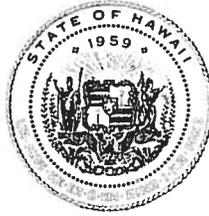
Old Mamalahoa Hwy

Wailaia Rd

Hawaii Belt Rd



LINDA LINGLE
GOVERNOR OF HAWAII



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

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

EXEMPTION NOTIFICATION

From the preparation of an environmental assessment under the authority of Chapter 343, HRS and Chapter 11-200, HAR

Project Title: Request for Revocable Permit to Yun Yan Huang, for Agriculture Purposes.

Project Number: PSF No. 10HD-160

Project Location: Hakalau, South Hilo, Hawaii, Tax Map Key:3rd/2-9-02:47.

Project Description: The requested parcel was previously leased under GL S-5598 for intensive agriculture purposes. The lease was cancelled due to default in payment. The applicants were farming the land under an agreement with the Lessees. They wish to continue utilizing the land pending a new lease at public auction.

Consulted Parties: None

Exemption Class No.: 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 under the following:

Exemption Class No. 1, which 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."

EXHIBIT "B"

The HDLO staff believes this request and the intended use of these State lands should be exempted from the preparation of an environmental assessment because the intended use is consistent with past use of the property. Prior to the most recent intensive agriculture use, the land had been in sugar cultivation for many decades. 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:

The Board is recommended to find that this project will probably have minimal or no significant effect on the environment and is presumed to be exempt from the preparation of an environmental assessment.

Laura H. Thielen, Chairperson

Date