

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

June 23, 2011

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

PSF No.:110D-068

OAHU

Set Aside to Department of Agriculture for Agricultural Purposes, Waimanalo, Oahu, Tax
Map Key: (1) 4-1-9:269.

APPLICANT:

Department of Agriculture

LEGAL REFERENCE:

Section 171-11, Hawaii Revised Statutes (HRS), as amended.
Act 90, Sessions Laws of Hawaii 2003.

LOCATION:

Portion of Government lands situated at Waimanalo, Oahu, identified by Tax Map Key:
(1) 4-1-9:269, as shown on the attached map labeled Exhibit A.

AREA:

13.888 acres, more or less.

ZONING:

State Land Use District: Urban
City & County of Honolulu LUO: AG-1

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act
DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: NO __x__

CURRENT USE STATUS:

Encumbered by General Lease No. S-5592, Nalo Farms, Inc., for diversified agriculture purposes. Lease to expire on November 30, 2034.

PURPOSE:

Agriculture 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, the provisions of Chapter 343, HRS, relating to environmental impact statements do not apply. 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.

Furthermore, even if Chapter 343 were applicable, the action would be exempt from the preparation of an environmental assessment pursuant to Hawaii Administrative Rules, Section 11-200-8(a), Exemption Class No. 1, that 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" and Class No. 4, that states "Minor alteration in the conditions of land, water, or vegetation."

APPLICANT REQUIREMENTS:

None

BACKGROUND:

The Legislature in 2003 found that certain public lands classified for agricultural use by the Department of Land and Natural Resources (DLNR) should be transferred and managed by the Department of Agriculture (DOA) for the development of farms on as widespread a basis as possible which is established by Article XI, Section 10 of the State Constitution. This resulted in the passing and signing of Act 90, Session Laws of Hawaii 2003. (Exhibit B.) Later, Act 235, Session Laws of Hawaii 2005 passed establishing a non-agricultural park lands special fund at DOA for the collection of lease rents, fees, penalties, and any other revenue or funds collected from non-agricultural park lands that are transferred, or in the process of being transferred from DLNR to DOA.

There are some requirements as to the DLNR properties that can be transferred, e.g. the lessees on the properties shall not be in arrears of taxes, rents; in compliance with the

terms and conditions.

The Land Board at its December 9, 2005 meeting, under agenda item D-1, approved staff's recommendation subject to the Board of Agriculture approval, recommend to the Governor the issuance of a set aside to Department of Agriculture for agricultural purposes various properties managed by Land Division. The transfer listing involved approximately 4,689.066 acres (1,223.610 acres on Oahu + 1,042.530 acres on Maui + 286.180 acres on /Molokai + 1,953.490 acres on Hawaii + 183.256 acres on Kauai). As of March 1, 2011, 3,019.563 acres has been transferred to DOA via various Executive Orders. Those properties still pending cover problem tenants, DOA doesn't want lands/tenant, and lands that are to be transferred to another government agency.

The Board of Agriculture at its meeting held on May 25, 2010, approved the transfer of 23 general leases, 13 revocable permits and 1 vacant property. (Exhibit C.)

Nalo Farms, Inc. acquired the DLNR lease through an assignment of General Lease No. S-5592 from Herbert Omizo and Keith Omizo in September 2008. Nalo Farms, Inc. is owned by Dean Okimoto since 1983. Over the past 20 plus years, the farm has been growing greens and herbs serving the local market.

STAFF ANALYSIS:

Staff separated DOA's request by island to give staff and government agencies sufficient time to review the properties. This submittal will only cover the Island of Oahu.

The highest and best for this parcel will be for agriculture purposes. The existing use of agriculture will not change.

DOA is charged with maintaining agricultural land and water resources for Hawaii's agricultural industry. DOA understands the issues confronting the farmers and provides other services that affect their overall business such as pesticide, water, etc.. A one-stop shop for small farmers. The intent of Act 90 was to ensure long-term productive use of public lands leased or available for agricultural purposes. While private landowners are readily developing their agricultural lands into upscale residential subdivisions, the proposed transfer to DOA will mandate these public lands be kept in agriculture use.

Comments were solicited from:

| | |
|---------------------------------|---------------|
| DHHL | No response |
| Division of Aquatic Resources | No objections |
| Historic Preservation | No response |
| Division of Forestry & Wildlife | No comments |
| Division of State Parks | No objections |

| | |
|--|---------------|
| Commission on Water Resource Management | No response |
| City & County of Honolulu, Department of Planning & Permitting | No objections |
| OHA | No response |

There are no pertinent issues or concerns.

RECOMMENDATION: That the Board:

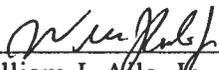
1. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Chapter 11-200, HAR, this project will probably have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment.
2. Approve of and recommend to the Governor the issuance of an executive order setting aside the subject lands to Department of Agriculture 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.
3. Authorize the transfer of General Lease No. S-5592 to the Department of Agriculture.

Respectfully Submitted,



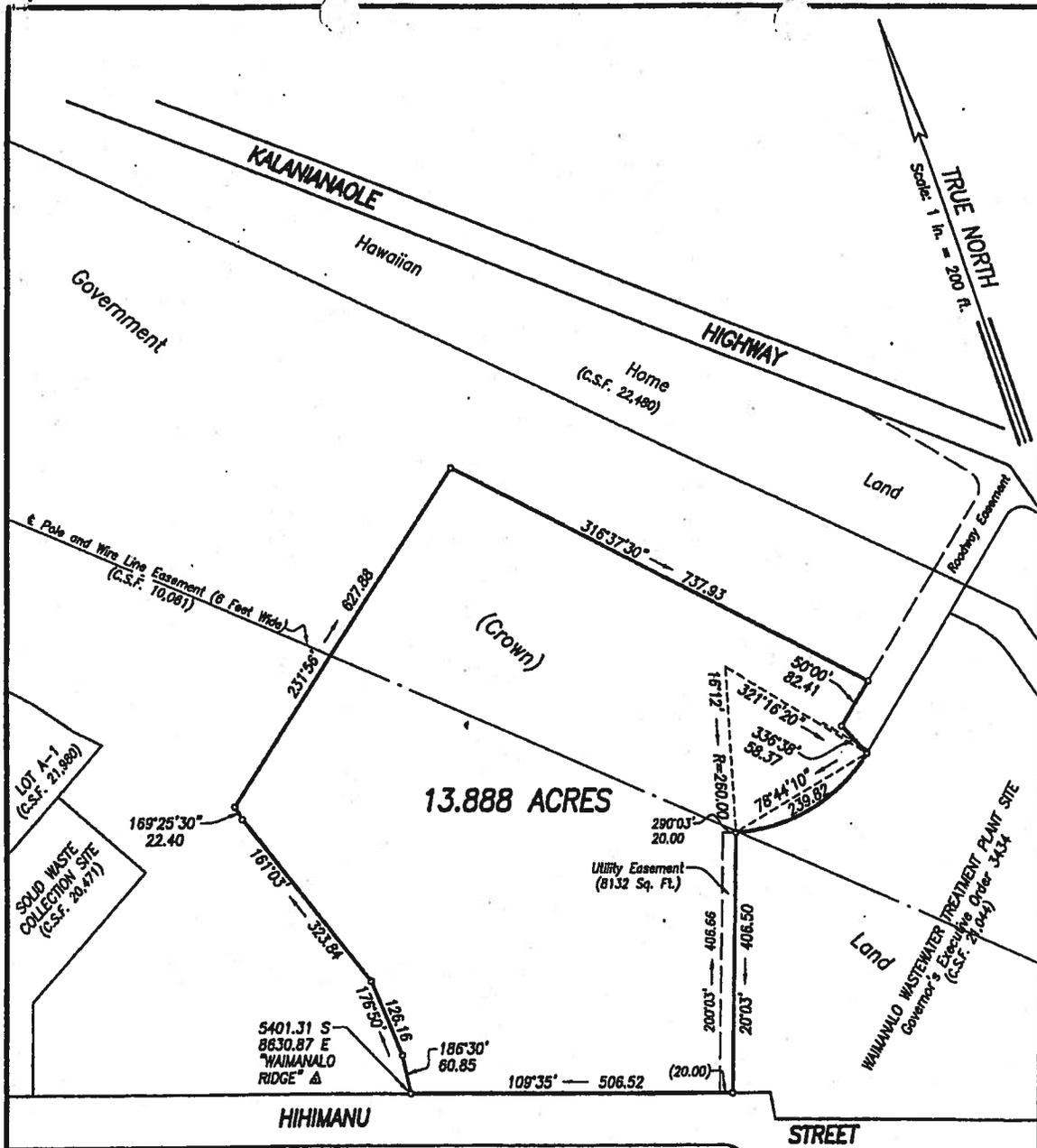
Charlene Unoki
Assistant Administrator

APPROVED FOR SUBMITTAL:



William J. Atta, Jr., Chairperson





**PORTION OF THE
GOVERNMENT (CROWN) LAND OF WAIMANALO**
Waimanalo, Koolaupoko, Oahu, Hawaii

Scale: 1 inch = 200 feet
REDUCED
NOT TO SCALE

JOB 0-44(99)
C. BK.

TAX MAP 4-1-09: por. 269

C.S.F. NO. **22,853**

SURVEY DIVISION
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES
STATE OF HAWAII

EXHIBIT A

R.S. April 27, 1999
RECEIVED
Department of the
Attorney General

H.B. NO. 1076

judgment incorporates within its ambit all interlocutory orders and rulings leading to that final judgment.

SECTION 4. Statutory material to be repealed is bracketed and stricken.¹ New statutory material is underscored.²

SECTION 5. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun, before its effective date.

SECTION 6. This Act shall take effect upon its approval.

(Approved May 27, 2003.)

Notes

1. No bracketed material.
2. Edited pursuant to HRS §23G-16.5.

ACT 90

S.B. NO. 1034

A Bill for an Act Relating to Agricultural Lands.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The Hawaii Revised Statutes is amended by adding a new chapter to title 11, to be appropriately designated and to read as follows:

**“CHAPTER
NON-AGRICULTURAL PARK LANDS**

§ -1 **Legislative findings.** The legislature finds that article XI, section 10, of the State Constitution establishes that “the public lands shall be used for the development of farm and homeownership on as widespread a basis as possible, in accordance with procedures and limitations prescribed by law.”

Therefore, the legislature finds that certain public lands classified for agricultural use by the department of land and natural resources should be transferred to the department of agriculture, with the approval of the board of land and natural resources and the board of agriculture, for purposes and in a manner consistent with article XI, section 10, of the State Constitution.

The purpose of this chapter is to ensure the long-term productive use of public lands leased or available to be leased by the department of land and natural resources for agricultural purposes by allowing these lands to be transferred to and managed by the department of agriculture.

§ -2 **Definitions.** For the purposes of this chapter:

“Agricultural activities” means the care and production of livestock, live-stock products, poultry, or poultry products, or apiary, horticultural, or floricultural products, or the planting, cultivating, and harvesting of crops or trees.

“Board” means the board of agriculture.

“Department” means the department of agriculture.

“Non-agricultural park lands” means lands that are not designated as agricultural parks pursuant to chapter 166.

§ -3 Transfer and management of non-agricultural park lands and related facilities to the department of agriculture. (a) Upon mutual agreement and approval of the board and the board of land and natural resources:

- (1) The department may accept the transfer of and manage certain qualifying non-agricultural park lands; and
- (2) Certain assets, including position counts, related to the management of existing encumbered and unencumbered non-agricultural park lands and related facilities shall be transferred to the department.

(b) The department shall administer a program to manage the transferred non-agricultural park lands under rules adopted by the board pursuant to chapter 91. The program and its rules shall be separate and distinct from the agricultural park program and its rules. Non-agricultural park lands are not the same as, and shall not be selected or managed as are lands under agricultural park leases. Notwithstanding any other law to the contrary, the program shall include the following conditions pertaining to encumbered non-agricultural park lands:

- (1) The lessee or permittee shall perform in full compliance with the existing lease or permit;
- (2) The lessee or permittee shall not be in arrears in the payment of taxes, rents, or other obligations owed to the State or any county; and
- (3) The lessee's or permittee's agricultural operation shall be economically viable as specified by the board.
- (4) No encumbered or unencumbered non-agricultural park lands with soils classified by the land study bureau's detailed land classification as overall (master) productivity rating class A or B shall be transferred for the use or development of golf courses, golf driving ranges, and country clubs.

The transfer of non-agricultural park lands shall be done in a manner to be determined by the board of agriculture may include more than one parcel; provided that these parcels are geographically adjacent to one another.

(c) For any encumbered or unencumbered non-agricultural park lands transferred to the department that are not being utilized or required for the public purpose stated, the order setting aside the lands shall be withdrawn and the lands shall be returned to the department of land and natural resources.

§ -4 Conversion of qualified and encumbered other agricultural lands. The department shall establish criteria and rules pursuant to chapter 91 and subject to approval by the board to convert qualified and encumbered non-agricultural park lands to department leases or other forms of encumbrance.

§ -5 Extension of other agricultural lands encumbered by permit and transferred to and managed by the department. Notwithstanding chapter 171, the board shall establish criteria and rules to allow the cancellation, renegotiation, and extension of transferred encumbrances by the department. Notwithstanding any law to the contrary, leases of encumbered non-agricultural park lands transferred to the department shall not have their respective length of term or rents reduced over the remaining fixed term of the leases.

§ -6 Rules. The board shall adopt rules pursuant to chapter 91 to effectuate the purposes of this chapter."

SECTION 2. The board of agriculture and the board of land and natural resources shall jointly report to the legislature, not later than twenty days prior to the convening of the 2004 regular session, on their efforts to effectuate the transfers authorized under this Act.

SECTION
existing as of the
Constitution of the
Constitution.

SECTION
(Approved)

A Bill for an Act
Be It Enacted by

SECTION
repealing section

["SECTION
amending-subsection
(b)-The board of agriculture

SECTION
3 of Act 117, Session Laws of 2003 follows:

"SECTION
section 5 shall be

SECTION
3 of Act 213, Session Laws of 2003 read as follows:

"SECTION
(1) See
(2) See

SECTION
New statutory provision

SECTION
(Approved)

SECTION 3. This Act shall not be applied so as to impair any contract existing as of the effective date of this Act in a manner violative of either the Constitution of the State of Hawaii or Article I, Section 10, of the United States Constitution.

SECTION 4. This Act shall take effect upon its approval.

(Approved May 28, 2003.)

ACT 91

S.B. NO. 1258

A Bill for an Act Relating to the Agribusiness Development Corporation.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Act 176, Session Laws of Hawaii 1998, is amended by repealing section 5.

~~["SECTION 5. Section 163D-3, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:~~

~~(b) The board of directors of the corporation shall consist of the members of the board of agriculture."]~~

SECTION 2. Act 176, Session Laws of Hawaii 1998, as amended by section 3 of Act 117, Session Laws of Hawaii 1999, and as amended by section 2 of Act 213, Session Laws of Hawaii 2001, is amended by amending section 19 to read as follows:

~~"SECTION 19. This Act shall take effect on July 1, 1998[; provided that section 5 shall take effect on July 1, 2005]."~~

SECTION 3. Act 117, Session Laws of Hawaii 1999, as amended by section 3 of Act 213, Session Laws of Hawaii 2001, is amended by amending section 6 to read as follows:

~~"SECTION 6. This Act shall take effect on June 30, 1999; provided that[:~~

- ~~(1) Section 1 shall be repealed on June 30, 2005; and
(2) Section] section 4 shall take effect on July 1, 1999."~~

SECTION 4. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 5. This Act shall take effect upon its approval.

(Approved May 28, 2003.)

STATE OF HAWAII
DEPARTMENT OF AGRICULTURE
AGRICULTURAL RESOURCE MANAGEMENT DIVISION
HONOLULU, HAWAII

May 25, 2010

Board of Agriculture
Honolulu, Hawaii

SUBJECT: REQUEST FOR APPROVAL FOR THE TRANSFER
OF GENERAL LEASES FROM THE DEPARTMENT
OF LAND AND NATURAL RESOURCES TO THE
DEPARTMENT OF AGRICULTURE PURSUANT TO
ACT 90, SLH 2003

BACKGROUND:

Act 90, SLH 2003 established the Non-Agricultural Park Lands Program within the Department of Agriculture ("HDOA"), codified as Chapter 166E, Hawaii Revised Statutes ("HRS"). Under this program, the legislature found that certain public lands classified for agricultural use by the Department of Land and Natural Resources ("DLNR") should be transferred to the HDOA for purposes and in a manner consistent with article XI, section 10, of the State Constitution.

The purpose of this chapter is to ensure the long-term productive use of public lands leased or available to be leased by the DLNR for agricultural purposes by allowing these lands to be transferred to the HDOA for leasing and management.

HDOA staff have conducted site inspections and lease file reviews and have identified for transfer, one (1) general lease on the island of O'ahu, fifteen (15) general leases and ten (10) revocable permits on the island of Hawai'i, and seven (7) general leases, three (3) revocable permits and one (1) vacant parcel on the island of Kaua'i, totaling 38,666.439 acres. See Exhibit "A" attached hereto.

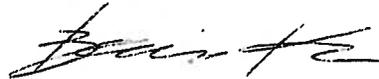
EXHIBIT "A"

AI

RECOMMENDATION:

That the Board approve the transfer of twenty-three (23) general leases, thirteen (13) revocable permits and one (1) vacant parcel on the islands of O'ahu, Hawai'i and Kaua'i as listed on the attached Exhibit "A", and direct staff to work with the staff of DLNR to accomplish the transfer through Governor's Executive Order, pursuant to section 171-11. HRS.

Respectfully submitted,



BRIAN KAU, P.E.
Administrator and Chief Engineer
Agricultural Resource Management
Division

Attachment

APPROVED FOR SUBMISSION



SANDRA LEE KUNIMOTO
Chairperson, Board of Agriculture

Approved by the Board of
Agriculture at its meeting held on
5-25-10
IV. A. 1

NON-AGRICUTLURAL PARK LANDS

Request to Transfer Lands; BOA Submittal 5/25/2010

| Doc. No. | Lessee Name | TMK | Character of Use | Acreage |
|----------|-------------|-----|------------------|---------|
|----------|-------------|-----|------------------|---------|

Island of Oahu

| | | | | |
|--------|--------------------------|-------------------|----------------|--------|
| gl5592 | NALO FARMS, INCORPORATED | (1) 4-1-9:262,269 | Diversified Ag | 13.888 |
|--------|--------------------------|-------------------|----------------|--------|

Island of Hawaii

| | | | | |
|--------|-------------------------------|-----------------------|----------------|------------|
| rp6947 | TROPICAL HAWAIIAN PRODUCTS | (3) 1-2-006:019 | Agriculture | 600.000 |
| gl5535 | LEE, EDWARD A.K. AND LUCIA R. | (3) 1-2-6:5, 77 | Pasture | 378.131 |
| gl5537 | UYEDA, GILBERT & MARIKO | (3) 1-4-34:27;1-4-1:4 | Intensive Ag | 2.000 |
| gl4642 | ALOHILANI FARMS, INC. | (3) 1-8-006:103 | Ag & Pasture | 49.082 |
| gl4448 | MATTICE, DAVID C. & AGNETA | (3) 1-9-001:018 | Ag & Pasture | 29.880 |
| gl5905 | GREEN POINT NURSERIES, INC. | (3) 2-4-049:029 | Intensive Ag | 10.103 |
| rp7362 | MEDEIROS, SR., NORMAN | (3) 3-1-004:001 | Pasture | 505.000 |
| gl5811 | THONG, JACKSON AND MANDY | (3) 3-1-004:002 | Intensive Ag | 56.460 |
| gl5586 | ISLAND DAIRY, INC. | (3) 3-9-1,2;4-1-1,5 | Dairy | 2,081.084 |
| rp7416 | PELLANI, DAVID | (3) 4-4-011:033 | Intensive Ag | 5.424 |
| gl5550 | TRIPLE D RANCH, INC. | (3) 4-6-4:1,2,3,5,6 | Ag & Pasture | 523.883 |
| rp5938 | LOO, JOHN N. & MARGARET L. | (3) 4-9-011:002 | Diversified Ag | 11.600 |
| gl5356 | KAWAMOTO, ALVIN H. | (3) 5-5-003:012 | Ag & Pasture | 14.370 |
| gl5573 | ISLAND HARVEST, INC. | (3) 5-5-003:018 | Intensive Ag | 37.585 |
| rp7312 | GEORGE FREITAS DAIRY, INC. | (3) 5-5-007:011 | Pasture | 77.400 |
| gl5572 | BOTEILHO HAWAII ENTER., INC. | (3) 5-5-3:4,5,6 | Pasture | 207.820 |
| gl4950 | BOTEILHO HAWAII ENTERPRISES | (3) 5-5-6:2,3,4,15 | Dairy | 597.406 |
| gl4790 | SORIANO, FRED | (3) 8-8-004:010 | Diversified Ag | 7.850 |
| rp7269 | KUAHIWI CONTRACTORS, INC. | (3) 9-5-015:003 | Pasture | 2,197.290 |
| rp7424 | ML MACADAMIA ORCHARDS, L.P. | (3) 9-6-002:055 | Agriculture | 12.000 |
| gl5539 | WONG, WILLIAM T.S. | (3) 5-5-4:51,52 | Intensive Ag | 4.434 |
| rp7337 | EGAMI, JERRY | (3) 9-6-2:5,10,13 | Pasture | 2,310.000 |
| gl5374 | KAPAPALA RANCH | (3) 9-8-001:09,10 | Pasture | 22,684.168 |
| rp7271 | KAPAPALA RANCH | (3) 9-8-001:013 | Pasture | 5,000.000 |
| rp7419 | KAPAPALA RANCH | (3) 9-6-011; 9-8-001 | Pasture | 942.000 |

Island of Kauai

| | | | | |
|--------|------------------------------|--------------------|--------------|--------|
| rp5983 | SYNGENTA SEEDS, INC. | (4) 1-2-002:040 | Agriculture | 43.600 |
| gl5583 | SANCHEZ, WILLIAM J. | (4) 4-3-4:1,14,17 | Pasture | 66.570 |
| gl5519 | SANCHEZ, WILLIAM J. | (4) 4-4-004:005 | Pasture | 49.701 |
| gl5660 | SANCHEZ, SR., WILLIAM J. | (4) 4-4-4:4, 51 | Pasture | 33.930 |
| gl4393 | SINGLETON, CHRISTOPHER BARRY | (4) 4-4-004:044 | Ag-Residence | 40.260 |
| gl5318 | MARTINS, JEANNETT VIRGINIA | (4) 4-6-003:001 | Pasture | 15.560 |
| gl5484 | MARTINS, TRUSTEE, JEANNETT | (4) 4-6-3:22,23,35 | Ag & Pasture | 18.110 |
| gl5824 | ALFILER, ANDY B. AND MARY G. | (4) 4-6-005:011 | Intensive Ag | 4.110 |
| rp7307 | RAPOZO, MERVIN L. | (4) 4-1-1:1, 3, 4 | Pasture | 7.030 |
| rp ? | KAPAA POI FACTORY | (4) 4-4-004:043 | Agriculture | 3.000 |
| Vacant | Vacant | (4) 4-3-4:9 | Agriculture | 25.710 |



Minutes of the Board of Agriculture

1 CALL TO ORDER – The meeting of the Board of Agriculture was called to order at 9:00 a.m. by
2 Chairperson Sandra Lee Kunimoto, at the Plant Quarantine Conference Room, 1849 Auiki
3 Street, Honolulu, Hawaii on May 25, 2010.
4

5 **Members Present:**

6 Sandra Lee Kunimoto, Chairperson
7 Alan Gottlieb, Member-At-Large
8 Clark Hashimoto, Member-At-Large
9 Laurie Ho, Kauai Member
10 Richard Ha, Hawaii Member
11 Derrick Nishimura, Member-At-Large
12

13 **Members Absent:**

14 L. Douglas MacCluer, Maui Member
15 Dr. Andrew Hashimoto, Ex-Officio, CTAHR-UH
16 Ted Liu, Ex-Officio, DBEDT
17 Laura Thielen, Ex-Officio, BLNR
18

19 **Others Present:**

20 Haunani Burns, Deputy Attorney General
21 Janelle Saneishi, DOA/Chair's Office
22 Randy Teruya, DOA/ARM
23 Carol Okada, DOA/PQ
24 Glenn Sakamoto, DOA/PQ
25 Neil Reimer, DOA/PPC
26 Keevin Minami, DOA/PQ
27

28 **II. APPROVAL OF MINUTES FROM 04/27/10 MEETING:**
29

30 Motion for approval: Ho/C. Hashimoto

31 Vote: Unanimously approved, 6/0
32

33 **III. COMMENTS FROM THE GENERAL PUBLIC ON AGENDA ITEMS (ORAL OR
34 WRITTEN)**
35

36 None.
37

38 **IV. COMMUNICATIONS FROM DIVISIONS AND ADMINISTRATION**
39

40 **A. AGRICULTURAL RESOURCE MANAGEMENT DIVISION**
41

- 42 1. Request for Approval for the Transfer of General Leases from the
43 Department of Land and Natural Resources to the Department of
44 Agriculture Pursuant to Act 90, SLH 2003
45

1 Presented by Randy Teruya, Agricultural Asset Manager, Agricultural Resource Management
2 Division, as submitted. Staff recommends approval.

3
4 Motion for approval: Gottlieb/Ho
5 Vote: Unanimously approved, 6/0.
6

7
8 V. UPDATE ON THE TRANSFER OF NON-AGRICULTURAL PARK LANDS, PURSUANT
9 TO CHAPTER 166E, HRS, BY THE AGRICULTURAL RESOURCE MANAGEMENT
10 DIVISION
11

12 Update was presented by Randy Teruya, Agricultural Asset Manager, Agricultural Resource
13 Management Division. A handout was also distributed on the transfers.
14

15 VI. UPDATE ON THE STATUS OF BIOLOGICAL CONTROL OF FIREWEED (*Senecio*
16 *madagascariensis*) BY THE PLANT INDUSTRY DIVISION, PLANT PEST CONTROL
17 BRANCH
18

19 Update was presented by Dr. Neil Reimer, Plant Pest Control Branch Manager, Plant Industry
20 Division. Handouts regarding the fireweed and Biocontrol in Hawaii were also distributed.
21

22
23 VII. UPDATE ON THE "ELECTRONIC MANIFEST SYSTEM, DETERMINING RISK LEVELS
24 ON IMPORTED AGRICULTURAL COMMODITIES, AND THE DIRECT RELEASE
25 PROGRAM," BY THE PLANT INDUSTRY DIVISION, PLANT QUARANTINE BRANCH
26

27 Update was presented by Carol Okada, Plant Quarantine Branch Manager, Plant Industry
28 Division. A handout on the various commodities inspected was also distributed.
29

30 VIII. NEW BUSINESS
31 None.
32

33 IX. ADJOURNMENT
34

35 Meeting adjourned at 10:12 a.m.
36

37 Respectfully submitted,
38

39 

40
41 Gayle M.U. Nakamura
42 Board Secretary
43

NEIL ABERCROMBIE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

June 23, 2011

WILLIAM J. AILA, JR.
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

GUY H. KAULUKUKUI
FIRST DEPUTY

WILLIAM M. TAM
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

EXEMPTION NOTIFICATION

regarding the preparation of an environmental assessment pursuant to Chapter 343, HRS and Chapter 11-200, HAR

Project Title: Set Aside to Department of Agriculture for Agricultural Purposes

Project / Reference No.: PSF 11OD-068

Project Location: Waimanalo, Oahu, Tax Map Key: (1) 4-1-9:269

Project Description: Set Aside to Department of Agriculture for Agricultural Purposes

Chap. 343 Trigger(s): Use of State Land

Exemption Class No.: In accordance with Hawaii Administrative Rule Sections 11-200-8(a)(1) & (4) and the Exemption List for the Department of Land and Natural Resources approved by the Environmental Council and dated December 4, 1991, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 1, that 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" and Class No. 4, that states "Minor alteration in the conditions of land, water, or vegetation."

This action before the Board is merely a transfer of management jurisdiction and does not propose any new 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 Department of Agriculture's use of the lands, the Department of Agriculture shall be responsible for compliance with Chapter 343, HRS, as amended.

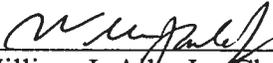
Consulted Parties

Division of Aquatic Resources, Division of Forestry & Wildlife,
Division of State Parks, and the City & County of Honolulu,
Department of Planning & Permitting

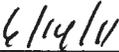
EXHIBIT "D"

Recommendation:

That the Board finds 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.



William J. Alfa, Jr., Chairperson



Date

