

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

July 8, 2011

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

PSF No.:11KD-070

KAUAI

Set Aside to Department of Agriculture for Agricultural Purposes, Kawaihau,  
Kauai, Tax Map Keys: (4) 4-3-4:1, 14, and 9; 4-4-4:4, 51, 5, 43 and 44; 4-6-5:11

APPLICANT:

Department of Agriculture

LEGAL REFERENCE:

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

LOCATION AND AREA:

4-3-4:1	Kawaihau	43.026 acres, more or less
4-3-4:14	Kawaihau	23.240 acres, more or less
4-3-4:17	Kawaihau	.304 acres, more or less
4-3-4:9	Kawaihau	34.27 acres, more or less
4-4-4:4	Kawaihau	20.89 acres, more or less
4-4-4:51	Kawaihau	13.04 acres, more or less
4-4-4:5	Kawaihau	49.701 acres, more or less
4-4-4:43	Kawaihau	3.0 acres, more or less
4-4-4:44	Kawaihau	40.260 acres, more or less
4-6-5:11	Kapaa	4.11 acres, more or less
TOTAL:		231.841 acres, more or less

ZONING AND TRUST LAND STATUS:

	State Land Use:	County CZO:	Section 5(b) lands	Section 5(b) lands of the	Section 5(b) lands of the
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			of the Hawaii Admission Act	Hawaii Admission Act - Yes	Hawaii Admission Act - No
4-3-4:1	Agriculture	Open	X		X
4-3-4:14	Agriculture	Open	X		X
4-3-4:17	Agriculture	Open	X		X
4-3-4:9	Agriculture	Open	X		X
4-4-4:4	Agriculture	Open	X		X
4-4-4:51	Agriculture	Open	X		X
4-4-4:5	Agriculture	Agriculture	X		X
4-4-4:43	Agriculture	Agriculture	X		X
4-4-4:44	Agriculture	Agriculture	X		X
4-6-5:11	Agriculture	Open	X		X

CURRENT USE STATUS:

GL 5583	William Sanchez, Sr.	Pasture	Lease to expire on May 26, 2014	\$1,685/year
Vacant				
GL 5660	William Sanchez, Sr.	Pasture	Lease to expire on August 28, 2022	\$156/year
GL 5519	William Sanchez, Sr.	Pasture	Lease to expire on December 2, 2011	\$1,385/year
RP 7636	Kapaa Poi Factory, Inc.	Poi factory & processing facilities for other agricultural products		\$14,400/year
GL 4393	Christopher Singleton	Diversified agriculture & residence	Lease to expire on January 17, 2029	\$6,200/year
GL 5824	Andy Alfiler, Mary Alfiler & LBD Coffee, LLC	Intensive agriculture	Lease to expire on September 20, 2035	\$792/year
TOTAL:				\$24,618/year

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) could be transferred and perhaps better managed by the Department of Agriculture (DOA) for the promotion and 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. Act 90 specifically stated that the transfer of the lands was subject to the mutual agreement and approval of both the BOA and the BLNR. BOA approved this request.

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.)

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 Kauai.

The highest and best for these parcels 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.

At this time, tax map key: (4) 4-6-3:1 was not included in this submittal. The Division of Forestry and Wildlife is requesting this State property as a candidate for addition to the Wailua Game Management Area.

DOA will not accept lands that are zoned conservation. Only lands in the State agricultural district or zoned agriculture by the Counties. Per DOA staff, changing the zoning or subdivision, if necessary should be done by DLNR or DLNRs' tenant not DOA. Staff notes, DLNR never incurs additional costs when transferring lands to another State agency. Those costs are normally paid by the requesting State agency. Agriculture use is allowed on lands zoned conservation. Therefore, several properties were not included in this submittal. They are: (4) 1-2-2:40; 4-1-1:1, 3, 4; and 4-6-3:22, 23.

Comments were solicited from:

DHHL	No response
Division of Aquatic Resources	No response
Historic Preservation	No response
Division of Forestry & Wildlife	No comments
Division of State Parks	No objections
Commission on Water Resource	No response

Management	
County of Kauai, Department of Planning	No response
OHA	No response

Late comment was submitted by DHHL requesting this submittal be held in abeyance until DLNR, DOA & ADC meet to discuss improving DHHL homestead agricultural and ranch program. A meeting has not been scheduled, but DLNR has indicated a willingness to meet. These properties have been approved by the Board of Agriculture. There are no other 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-5583, General Lease No. S-5660, General Lease No. S-5519, Revocable Permit No. S-7636, General Lease No. S-4393, General Lease No. S-5824 to the Department of Agriculture.

Respectfully Submitted,



Charlene Unoki  
Assistant Administrator

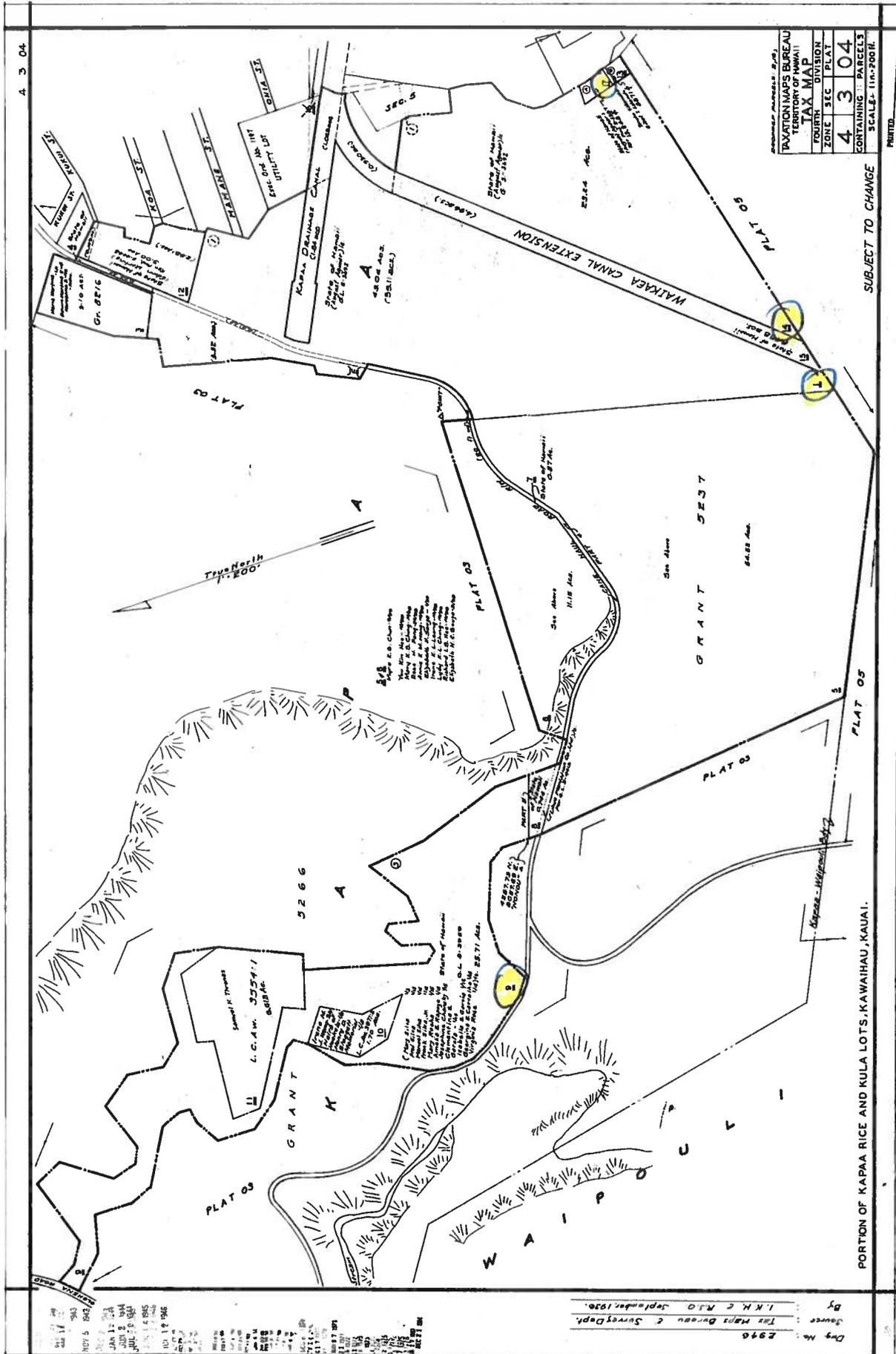
APPROVED FOR SUBMITTAL:



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William J. Aila, Jr., Chairperson





4 3 04

TAX MAP			
FOURTH ZONE	DIVISION 3	PLAT 04	
4	3	04	
CONTAINING 1 PARCELS			
SCALE - 1 in = 200 ft.			

SUBJECT TO CHANGE

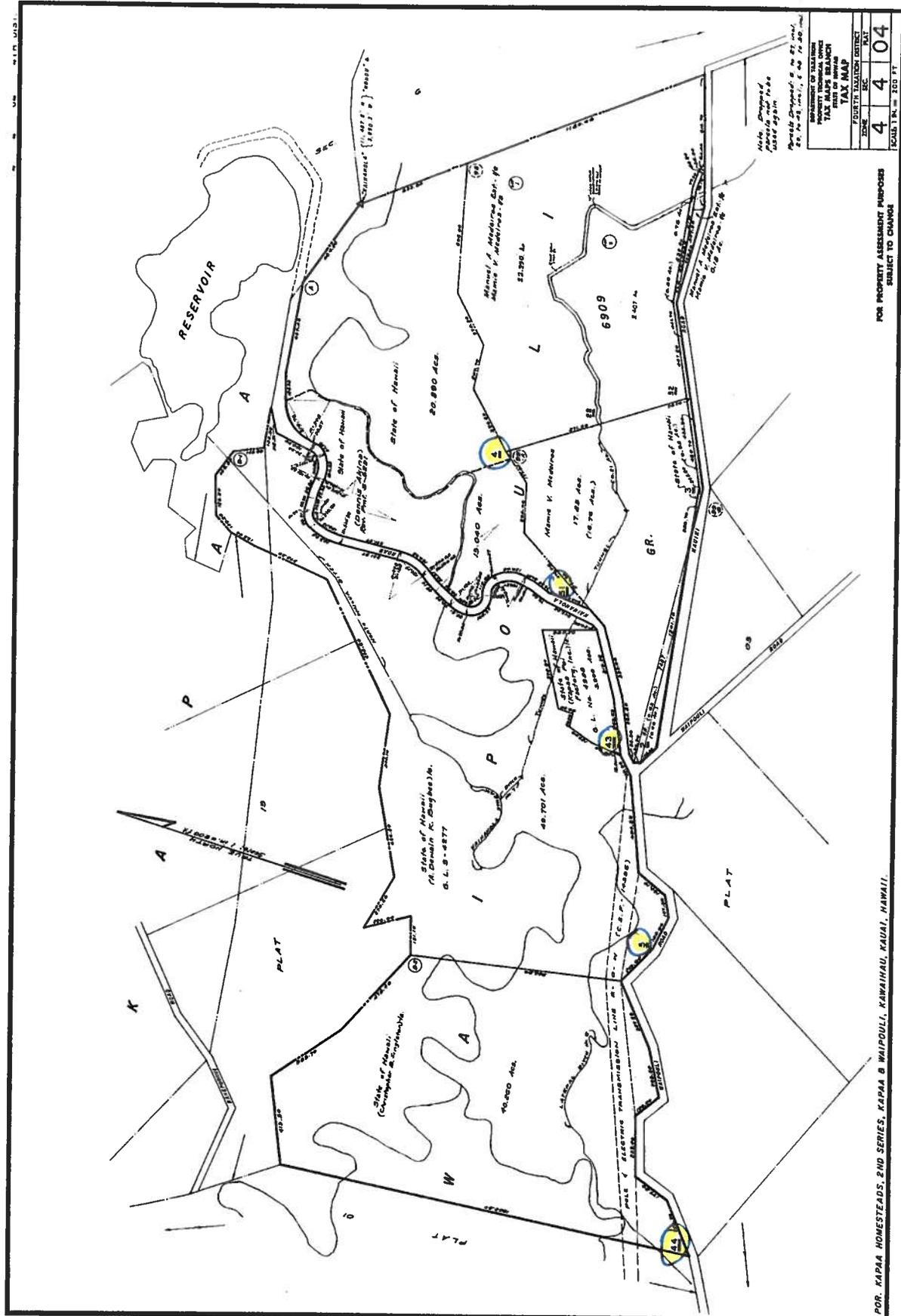
PRINTED

Dwg No. 2996  
 Source: Tax Maps Bureau & Survey Dept.  
 By: I.K.K. & M.S.O. September, 1930.

PORTION OF KAPAA RICE AND KULA LOTS, KAWAIHAU, KAUAI.

DATE: 11/17/76  
BY: J.M.P.  
REVISION: 1

DATE: 11/17/76 BY: J.M.P. REVISION: 1  
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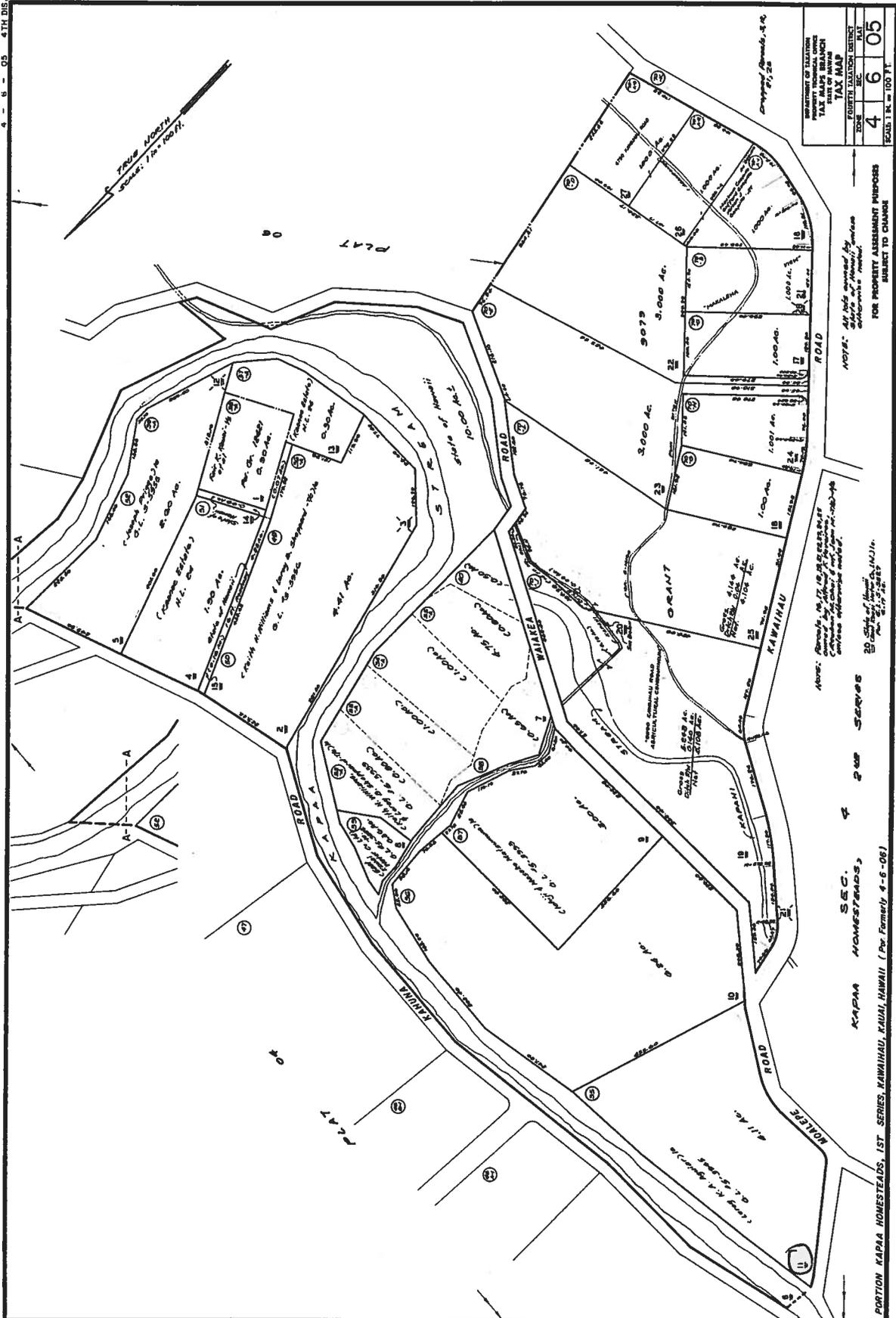
FOR PROPERTY ASSESSMENT PURPOSES  
SUBJECT TO CHANGE

4 4 0 4  
4 4 0 4

DEPARTMENT OF TAXATION  
TAX MAPS BRANCH  
STATE OF HAWAII  
HONOLULU, HAWAII

PLAT NO. 44-04  
DATE: 11/17/76  
BY: J.M.P.  
REVISION: 1

FOR PROPERTY ASSESSMENT PURPOSES  
SUBJECT TO CHANGE



OWNED BY: (Name of owner)  
 DATE: 1977 BY: R. M. J. R. S.  
 SOURCE: (Source of information)

NOTE: All lots reserved by the State of Hawaii for public use or for the benefit of the people of Hawaii.

NOTE: Property shown on this map is subject to change.

NOTE: Property shown on this map is subject to change.

NOTE: Property shown on this map is subject to change.

DEPARTMENT OF TAXATION	FOURTH STATION DISTRICT
TAX MAP BRANCH	MAUI
TAX MAP	4 6 05
SCALE: 1 in = 100 ft.	

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.<sup>1</sup> New statutory material is underscored.<sup>2</sup>

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, livestock 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 1  
Constitution.

SECTION  
(Approved)

A Bill for an Act  
Be It Enacted by

SECTION  
repealing section

SECTION  
amending-subse  
(b) The b  
the board of agr

SECTION  
3 of Act 117, Ses  
Session Laws o  
follows:

SECTION  
section 5 shall 4

SECTION  
3 of Act 213, Sc  
read as follows:

SECTION  
(1) See  
(2) See

SECTION  
New statutory 11

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.)

agricultural park lands and  
(a) Upon mutual agreement  
natural resources:  
and manage certain qualify-

related to the management of  
non-agricultural park lands  
to the department.  
to manage the transferred  
board pursuant to chapter 91,  
from the agricultural park  
not the same as, and shall not  
park leases. Notwithstanding  
the following conditions

full compliance with the  
in the payment of taxes,  
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agricultural park lands with  
detailed land classification as  
or B shall be transferred for  
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in a manner to be deter-  
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) effectuate the transfers

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 "C"**

A1

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 Kuu'u 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.

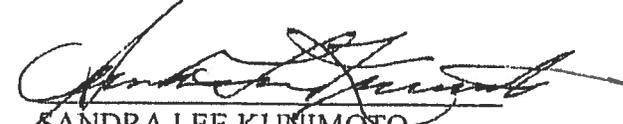
Respectfully submitted,



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  
-N A I

**NON-AGRICULTURAL PARK LANDS**

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

Doc. No.	Lessee Name	TMK	Character of Use	Acreage
<b>Island of Oahu</b>				
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 Aulki  
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 Laurle 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 Nell Relmer, DOA/PPC  
26 Keevln 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 Relmer, 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 15, 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

LD-KM

MEMORANDUM

TO: The Honorable Albert "Alapaki" Nahale-a, Chairman  
Hawaiian Homes Commission

FROM: William J. Aila, Jr., Chairperson *W. Aila*  
Board of Land and Natural Resources

SUBJECT: Department of Hawaiian Home Lands Agricultural and Ranching Homestead  
Program

Thank you for your memorandum of June 2, 2011 setting forth a number of proposals for improving the Department of Hawaiian Home Lands homestead agricultural and ranching program. We suggest a meeting between DHHL, the Department of Land and Natural Resources, the Department of Agriculture and the Agribusiness Development Corporation to discuss your proposals further. Please let me know your availability for such a meeting.

C: Land Board Member  
Russell S. Kokubun, Department of Agriculture  
Alfredo Lee, Agribusiness Development Corporation  
Central Files  
District Files

EXHIBIT "D"



**STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES**

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

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

GUY H. KAULUKUKUI  
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ENGINEERING  
FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

July 8, 2011

**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 11KD-070

Project Location: Kawaihau, Kauai, Tax Map Keys: (4) 4-3-4:1, 14, 17 and 9; 4-4-4:4, 51, 5, 43 and 44; 4-6-5:11

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.

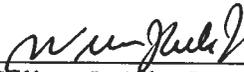
Consulted Parties

Division of Forestry & Wildlife and Division of State Parks

**EXHIBIT ' E '**

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. Aila, Jr., Chairperson

6/22/14  
\_\_\_\_\_  
Date