

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

August 26, 2011

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

PSF No: 07MD-197
Maui

Rescind Prior Board Action of November 19, 2009, Item D-10, Issuance of Revocable Permit to Moses Kahiamoe for Pasture Purposes, and Issuance of a New Revocable Permit to Moses Kahiamoe Jr. for Pasture Purposes, Puolua-Hanehoi, Hamakualoa, Makawao, Maui, Hawaii, TMK:(2) 2-9-008:024 and Portion of 018.

BACKGROUND:

The Land Board at its meeting of November 19, 2009, under agenda Item D-10, approved the issuance of a revocable permit to Moses Kahiamoe for pasture purposes. After receiving Land Board approval and during the period of time when the property was unencumbered, Mr. Kahiamoe cleaned-up all accumulated trash and abandoned vehicles left on site by a previous tenant. He and son Moses Kahiamoe, Jr. assisted Maui Land Division with identifying property boundaries. They also enclosed the pasture area by erecting stock proof fencing.

REMARKS:

Moses Kahiamoe Sr. has been unsuccessful in obtaining State and County tax clearances. Due to this situation, he has requested to withdraw his request for the use of the subject property and to have the revocable permit instead issued to his son Moses Kahiamoe Jr.

Moses Kahiamoe Jr. has been farming and pasturing animals with his father for more than twenty years. He is believed to have the experience necessary to properly pasture cattle and utilize good husbandry practices to properly care for and maintain the subject state property.

EXHIBIT:

Copy of previously approved board submittal dated November 19, 2009, agenda item D-10, labeled as Exhibit A.

RECOMMENDATION: That the Board:

1. Rescind the prior Board action of November 19, 2009, under agenda item D-10.
2. Authorize the issuance of a revocable permit to Moses Kahiamoe

Jr. covering the subject area for pasture purposes under the terms and conditions previously approved on November 19, 2009, under agenda item D-10.

- 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,



Larry Pacheco, Land Agent

APPROVED FOR SUBMITTAL:

WJ 

William J. Aila, Jr., Chairperson

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

November 19, 2009

Board of Land and Natural Resources
Hawaii
Honolulu, Hawaii

PSF:07MD-197 State of

MAUI

Issuance of Revocable Permit to Moses Kahiamoe for Pasture Purposes, Puolua-Hanehoi, Hamakualoa, Makawao, Maui, Hawaii, Tax Map Key: (2) 2-9-008: 024 and portion of 018.

APPLICANT:

Moses Kahiamoe, husband of Nanette P. Kahiamoe, as tenant by severalty.

LEGAL REFERENCE:

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

LOCATION:

Portion of Government lands of Puolua-Hanehoi, Hamakualoa, situated at Makawao, Maui, Hawaii, identified by Tax Map Key: (2) 2-9-008: 024 and portion of 018, as shown on the attached map labeled Exhibit A and aerial photo labeled Exhibit B.

AREA:

Parcel 024 1.54 acres more or less
Parcel 018 portion 3.72 acres more or less

ZONING:

State Land Use District: Agriculture
County of Maui CZO: Agriculture

TRUST LAND STATUS:

November 19, 2009

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:

Parcel 024	Vacant and unencumbered
Parcel 018	Encumbered by Revocable Permit No. S-7395, Door of Faith Church and bible School, Permittee, for access, parking and church related purposes.
	Encumbered by Grant of Easement bearing LOD No. S-28016, Maui Electric Co., Ltd and Hawaiian Telcom; Grantees, for transmission lines and poles purposes.

CHARACTER OF USE:

Pasture 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:

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 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".

DCCA VERIFICATION:

Applicant is not operating a business and as such is not required to register with DCCA.

REMARKS:

Parcels 24 and 18 were encumbered by General Lease No. S-3820 issued to Roy Bodnar from April 8, 1964 to April 7, 1985 for pasture purposes.

The Land Board at its meeting of October 27, 1989, under agenda Item F-11, approved the public auction sale of a 20 year lease for pasture purposes and pending the auction, authorized the issuance of a revocable permit to John Kahiamoe for pasture purposes. Revocable Permit No. S-6677 was issued on November 1, 1989 and cancelled on February 24, 1993.

A public auction was held on February 25, 1993 and the successful bidder was Mr. John Kahiamoe. General Lease No. S-5275 was issued effective February 25, 1995 to February 24, 2013 covering tax map keys: 2-9-6:6; 2-9-8:13, 17, 18, and 24, totaling 12.89 acres. Mr. John Kahiamoe passed away in 2000. Staff could not assign the lease to his caregiver or descendents. As a result, the Land Board on October 10, 2003, authorized the cancellation of General Lease No. S-5275 due to not posting a liability insurance policy. The lease was cancelled on December 3, 2003.

Parcel 018 consists of a total of 4.96 acres. For this request, approximately 3.72 acre portion of parcel 018, is situated makai (east) of the Door of Faith road is being requested by Mr. Moses Kahiamoe for pasture purposes. Approximately 1.24 acres of parcel 018, is situated mauka (northwest) of the Door of Faith road is currently encumbered by Revocable Permit No. S-7395, issued to the Door of Faith Church and Bible School for access, parking and other church related purposes.

Mr. Moses Kahiamoe is applying to utilize the subject area for its previously approved pasture uses. In his application, Mr. Kahiamoe indicated that he has approximately 50 years of livestock experience. Therefore, Mr. Kahiamoe is qualified as a bona fide rancher pursuant to Section 171-14.5, Hawaii Revised Statutes.

The subject parcels are to be accepted in an 'as is condition.' Mr. Moses Kahiamoe has been informed of the trash and debris that were found on the subject premises during a recent site inspection. He has agreed to remove the trash and debris at no cost to the State prior to pasturing any animals on the property.

Since the cancellation of General Lease No. S-5275, there has been no other significant use or activity on the premises that has affected or changed the conditions of the property other than the placement of small quantities of trash and debris. Staff's inspection of the trash and debris have revealed minimal or no significant effect on the environmental conditions of the property. Staff is not aware of any condition or use of the property during the period when it stood vacant and unencumbered that may or could have had a significant effect on the environmental conditions of the property.

Mr. Moses Kahiamoe 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.

Comments were solicited from the following agencies:

Agency	Comments
Dept of Hawaiian Home Lands	No comment
Commission on Water Resource Management	No comment
DLNR – Historic Preservation	No response
County of Maui – Dept of Water Supply	No comment or objections
County of Maui – Planning	No response
County of Maui – Public Works	No comment or objections
Office of Hawaiian Affairs	No objections

RECOMMENDATION: That the Board:

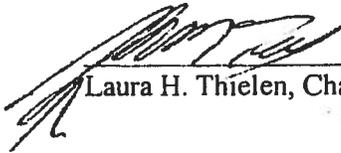
1. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Chapter 11-200, HAR, this project will probably have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment.
2. Authorize the issuance of a revocable permit to Moses Kahiamoe covering the subject area for pasture 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,



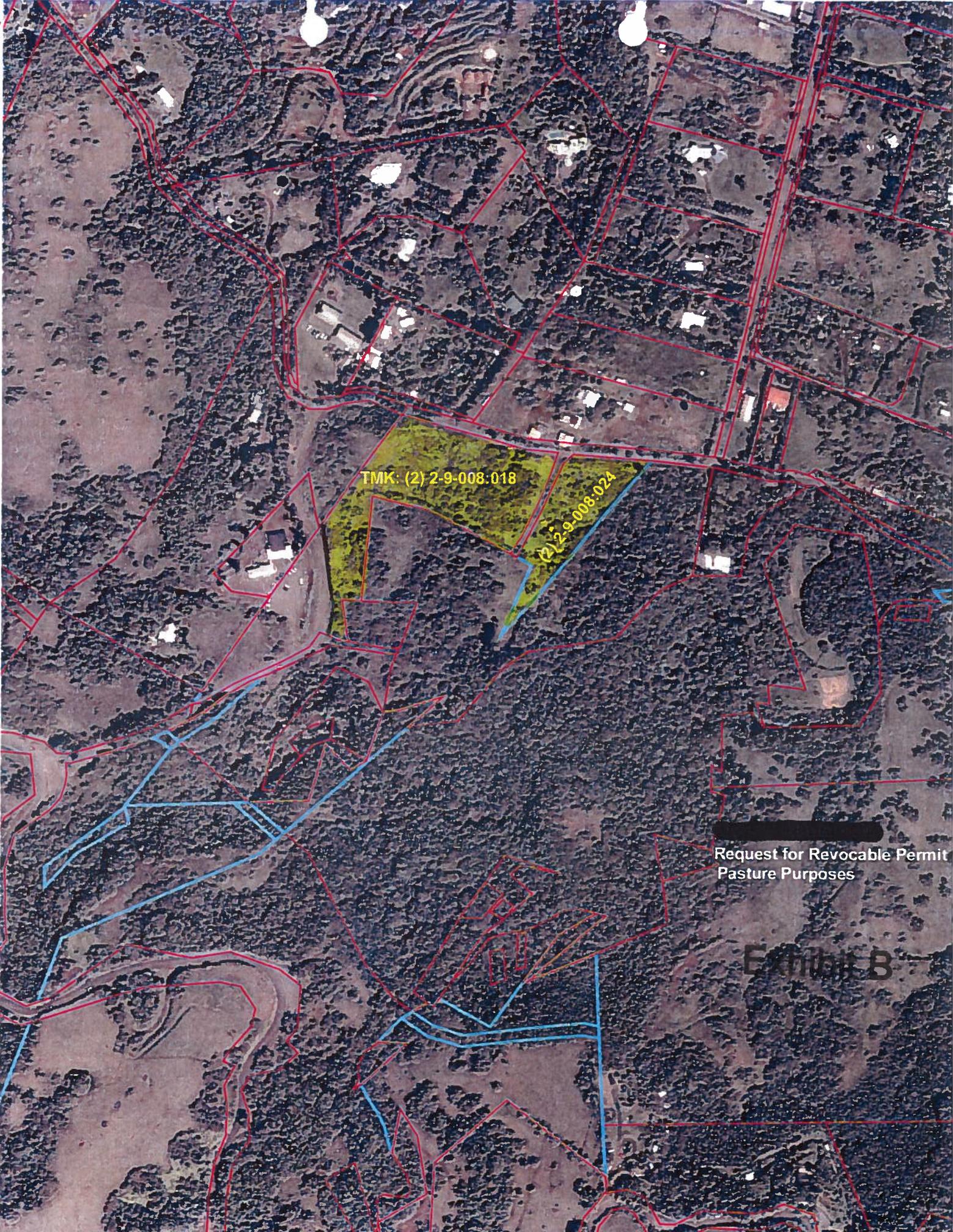
 Larry Pacheco
Land Agent

APPROVED FOR SUBMITTAL:



Laura H. Thielen, Chairperson





TMK: (2) 2-9-008:018

(2) 2-9-008:024

Request for Revocable Permit
Pasture Purposes

Exhibit B