

B-12

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

December 9, 2011

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

PSF No: 05MD-228
Maui

Rescind Prior Board Action of October 23, 2009, Item D-6, that involved the Issuance of Revocable Permit to John and Yvonne Medeiros for Pasture Purposes, Waiakoa-Alae 3 & 4 Homesteads, Makawao, Maui, Tax Map Key: (2) 2-2-013:029.

BACKGROUND:

The Land Board action of October 23, 2009, Item D-6 attached as Exhibit A, granted John and Yvonne Medeiros, husband and wife, a month-to-month revocable permit for pasture purposes at Tax Map Key: (2) 2-2-013:029.

On October 31, 2011, the Maui District Land Office received a letter from Mr. John Medeiros (labeled as Exhibit B) advising that he and his wife were no longer interested in the use of the subject property. They advised that due to concerns with lack of water on the property, minimum rents being increased, and required insurance, it would not be feasible for them to move forward with the requested revocable permit.

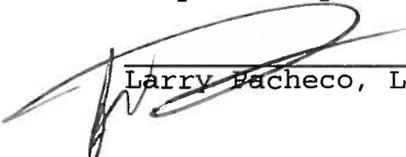
REMARKS:

John and Yvonne Medeiros have indicated that they no longer have an interest in utilizing the subject State property for pasture purposes. Therefore, the Maui District Land office would like to request a rescind of the October 23, 2009, Item D-6 Board action.

RECOMMENDATION: That the Board:

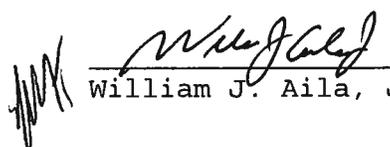
1. Rescind the prior Board action of October 23, 2009, under agenda item D-6.

Respectfully Submitted,



Larry Pacheco, Land Agent

APPROVED FOR SUBMITTAL:



William J. Aila, Jr., Chairperson

D-12

D-6

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

October 23, 2009

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

PSF No.: 05MD-228

MAUI

Issuance of Revocable Permit to John and Yvonne Medeiros for
Pasture Purposes, Waiakoa-Alae 3 & 4 Homesteads, Makawao,
Maui, Hawaii, Tax Map Key: (2) 2-2-013:029

APPLICANT:

John and Yvonne Medeiros, Husband and Wife, as Joint Tenants.

LEGAL REFERENCE:

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

LOCATION:

Portion of Government lands of Waiakoa-Alae 3 & 4 Homesteads,
situated at Makawao, Maui, Hawaii, identified by Tax Map Key:
(2) 2-2-013:029, as shown on the attached map labeled Exhibit A,
and the G.I.S topographic photo labeled Exhibit B.

AREA:

1.398 acres, more or less.

ZONING:

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

TRUST LAND STATUS:

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

CURRENT USE STATUS:

Vacant and unencumbered.

EXHIBIT A

APPROVED BY THE BOARD OF
LAND AND NATURAL RESOURCES *DB*
AT ITS MEETING HELD ON
October 23, 2009

D-6

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:

On December 1, 1944, Mr. Tai Hu Lee was issued General Lease No. 3088. He used the 5.117 acres for agriculture purposes. The lease was later assigned to Mrs. Hatsuki Honda. In June 1962, Department of Transportation required land for the construction of the Lower Kula Road. Approximately 27,123 square feet was withdrawn from the lease. The lease expired on December 7, 1965. Subsequently, at its meeting of December 17, 1965 under agenda Item F-1-e, the Board approved the issuance of a revocable permit to Mrs. Honda for agriculture purposes. Revocable Permit No. S-3821 was issued effective December 8, 1965.

Staff conducted a field inspection in February 1980 and discovered that the highway construction created 2 lots - Parcels 10 and 29. Mrs. Honda was unaware that she was responsible for Parcel 10 and couldn't afford to pay the real property taxes. Therefore, at its meeting of March 28, 1980 under agenda item F-1-d, the Board approved to (1) cancel Revocable Permit No. S-3821 and (2) authorize the issuance of a revocable permit to Mrs. Honda for Parcel 29 for

residential-agriculture purposes. Revocable Permit No. S-5758 was issued effective April 1, 1980. Mrs. Honda passed away on September 4, 2001. The permit was cancelled effective February 28, 2002. This allowed Mrs. Honda's son time to find another place to live and returned the State property in a clean condition.

The proposed pasture use is allowable under the county zoning. The total useable area of Parcel 29 covers approximately 0.46 acres or approximately 33% of the total area with the balance of the property being wasteland consisting of a steep gully.

Mr. and Mrs. Medeiros have 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.

At the time the application was submitted, Mr. Medeiros and Mrs. Medeiros had been raising livestock (cattle, horses and goats) for five years. Mr. Medeiros also has a Bachelors degree from Humboldt State University in Wildlife Management. He has knowledge and understanding on the proper care and wellbeing of animals. Therefore, Mr. and Mrs. Medeiros qualify as a bona fide farmer pursuant to Section 171-14.5, Hawaii Revised Statutes.

Comments were solicited from the following agencies:

Agency	Comments
Natural Resource Conservation Service	No objections
Dept of Health	No response
Dept of Hawaiian Home Lands	No comment or objections
DLNR - DOFAW	No comment or objections
DLNR - Historic Preservation	No response
Commission on Water Resource Management	No comment or objections
County of Maui - Planning	No objections
County of Maui - Public Works	No comment or objections
Office of Hawaiian Affairs	No comment

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.

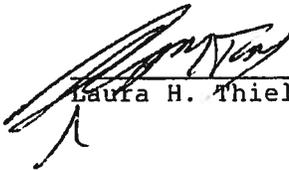
2. Authorize the issuance of a revocable permit to John and Yvonne Medeiros covering the subject area for pasture purposes under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:
 - a. The standard terms and conditions of the most 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,



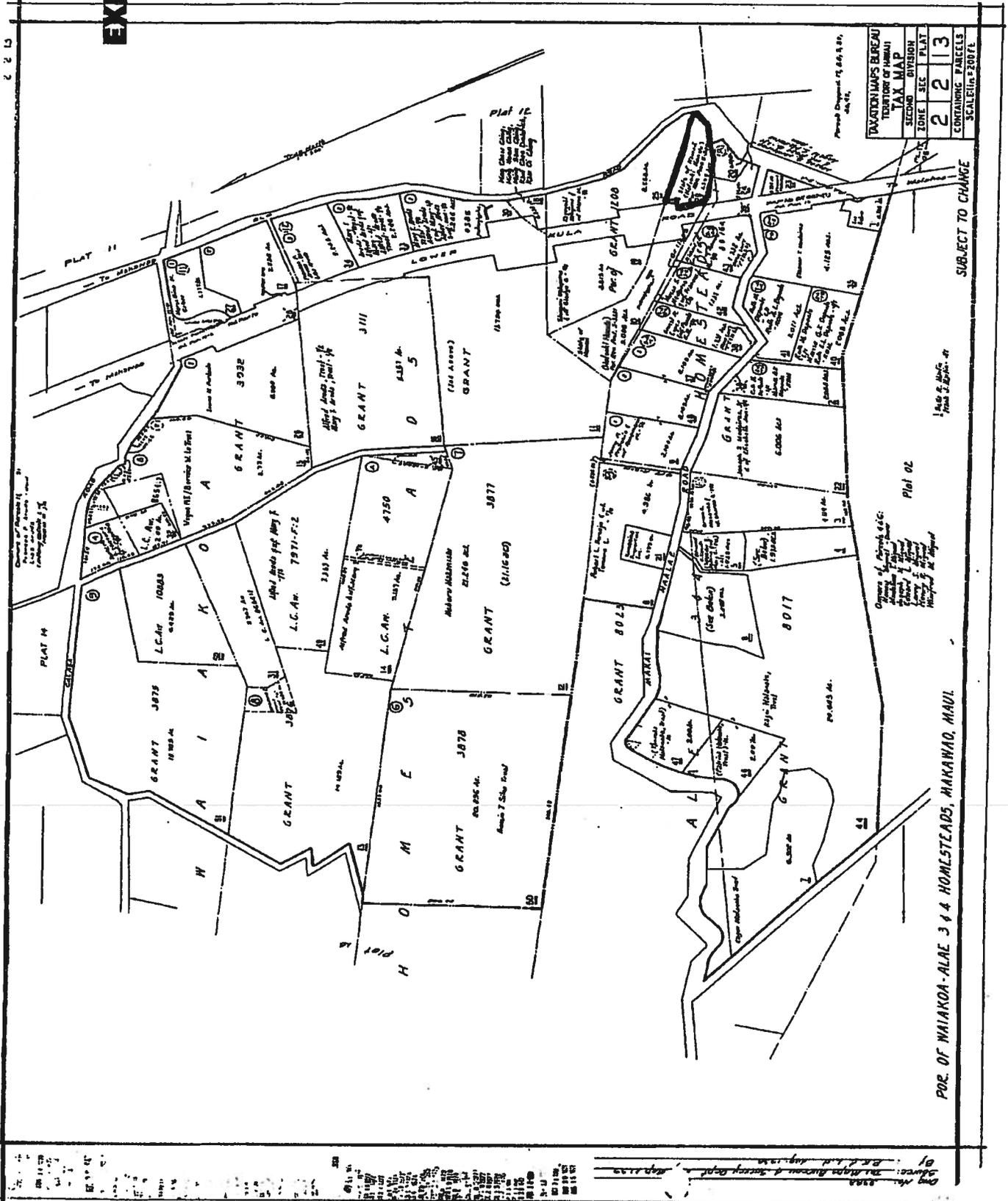
Larry Pacheco
Land Agent

APPROVED FOR SUBMITTAL:



Laura H. Thielen, Chairperson 

EXHIBIT A



TAXATION MAPS BUREAU TERRITORY OF HAWAII
TAX MAP
SECTION DIVISION
ZONE SEC T PLAT
2 2 13
CONTAINING PARCELS
SCALE 1" = 200 FT.

POR. OF WAIKOA-ALAE 3 & 4 HOMESTEADS, MAKAWAO, MAUI.

SUBJECT TO CHANGE

GRANT 3075
GRANT 3078
GRANT 3077
GRANT 3076
GRANT 3075
GRANT 3074
GRANT 3073
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GRANT 3001



Exhibit (B)

November 1, 2011

I, John S. Medeiros and my wife, Yvonne R. Medeiros retract my request to lease parcel Tax Map Key: 2-2-023:029 and rescind my application to the Department of Land & Natural Resources, Division of Land Management.


John S. Medeiros

Kula, Hawaii 96790

Exhibit B