

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

May 11, 2012

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

PSF No.: 12HD-012

Hawai'i

Issuance of Revocable Permit to Kukuipahu Ranch, LLC for Pasture Purposes; Awalu & Haena, North Kohala, Hawaii, TMK: 3<sup>rd</sup>/5-6-01:01

APPLICANT:

Kukuipahu Ranch, LLC, a Hawai'i limited liability corporation.

LEGAL REFERENCE:

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

LOCATION:

Portion of Government lands situated at Awalu & Haena, North Kohala, Hawaii, identified by Tax Map Key: 3<sup>rd</sup>/5-6-01:01, as shown on the attached map labeled Exhibit A.

AREA:

231.080 acres, more or less.

ZONING:

State Land Use District: Agriculture  
County of Hawai'i CZO: A-20

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act

DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: NO

CURRENT USE STATUS:

Vacant and unencumbered.

CHARACTER OF USE:

Pasture purposes.

COMMENCEMENT DATE:

The first day of the month to be determined by the Chairperson.

MONTHLY RENTAL:

\$69.00 per month based on the previous rent of \$69.00 for RP S-7222. This rent was reconfirmed by the Board at it meeting of January 13, 2012 under agenda item D-20.

COLLATERAL SECURITY DEPOSIT:

Twice the monthly rental.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

See Exemption Notification attached as Exhibit B.

DCCA VERIFICATION:

Place of business registration confirmed:	YES <u>X</u>	NO <u>__</u>
Registered business name confirmed:	YES <u>X</u>	NO <u>__</u>
Applicant in good standing confirmed:	YES <u>X</u>	NO <u>__</u>

REMARKS:

The subject parcel is a land-locked property with no legal access to a public road. and was previously encumbered under Revocable Permit No. S-7222 to Parker Ranch, Inc. (PR) for pasture purposes. It is surrounded on more than two sides by lands formerly owned by PR and on the remainder by fee simple owners in Ka’auhuhu Homesteads and the Maliu subdivision. The PR land was purchased by the Applicant, Kukuipahu Ranch, LLC (KR).

As the request for the State land is a continuation of the previous use, it is anticipated that the proposed use is allowable within the county zoning. Request for comments were distributed to various Federal, State and County agencies with either no comments or objections to the proposed use.

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.

KR is an established ranching operation currently consisting of 1,500 acres of fee simple lands in the North Kohala area and are in the process of acquiring an additional 3,500 acres from PR. The Applicant’s livestock is managed by Mr. Lee Beerman who has over 30 years of ranching experience in Hawaii.

This property is being processed as a month-to-month revocable permit as it does not have a legal access from any public roadway and therefore does not qualify for a long-term lease at public auction. There have been no other requests for use of this parcel.

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. 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.

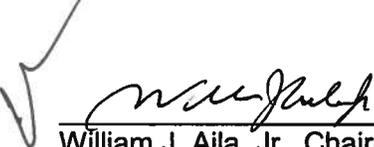
RECOMMENDATION: That the Board:

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 Kukuipahu Ranch, LLC 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,

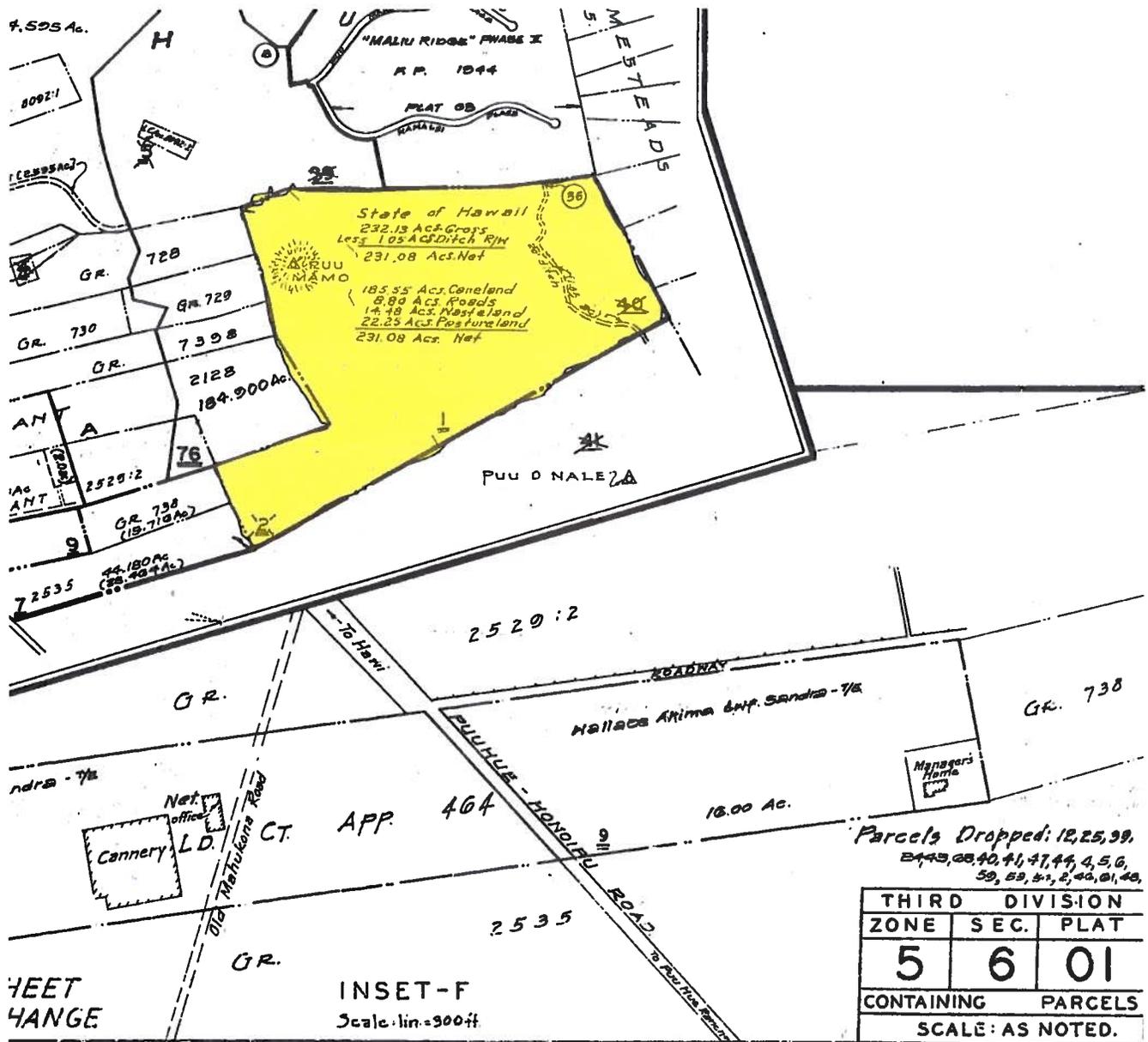
  
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Gordon C. Heit  
District Land Agent

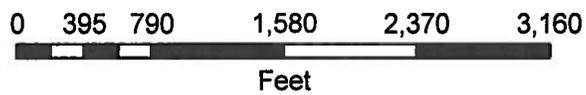
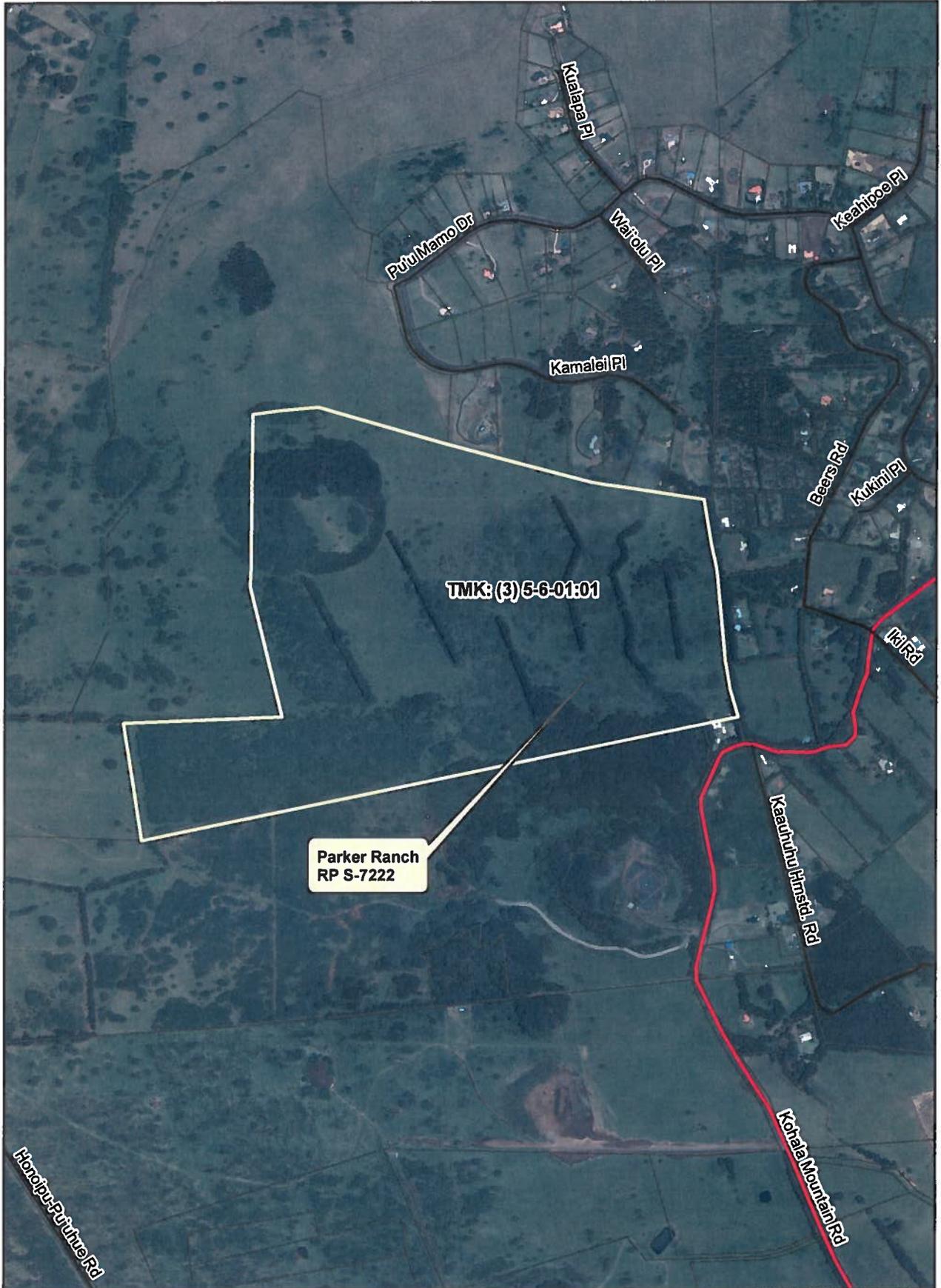
APPROVED FOR SUBMITTAL:

  
\_\_\_\_\_  
William J. Aila, Jr., Chairperson

# EXHIBIT A

TMK: 3<sup>rd</sup>/5-6-01:01





NEIL ABERCROMBIE  
GOVERNOR OF HAWAII



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

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

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

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FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

**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 Kukuipahu Ranch, LLC, for Pasture Purposes.

**Project Number:** PSF No. 12HD-012

**Project Location:** Awalu & Haena, North Kohala, Hawaii,  
Tax Map Key: 3<sup>rd</sup>/5-6-01:01

**Project Description:** The requested parcel was previously encumbered under RP S-7222 to Parker Ranch, Inc. for pasture purposes. The permit was terminated at the request of the Permittee in 2012 when Parker Ranch sold the surrounding property and could no longer access the State land. The applicants own the adjacent land and wish to continue utilizing the State land for pasture use.

**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**

**Recommendation:**

It is anticipated 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

4/23/12

\_\_\_\_\_  
Date