

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

September 23, 2016

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

Maui

Annual Renewal of Revocable Permits on the Islands of Maui, Lanai and Molokai. See Exhibit 2 for list of Revocable Permits.

HRS CHAPTER 343 – ENVIRONMENTAL ASSESSMENT:

In accordance with the Exemption List for the Department of Land and Natural Resources, approved by the Environmental Council on June 5, 2015, the subject action is exempt from the preparation of an environmental assessment pursuant to Exemption Class 1, “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.” See Exhibit 1 attached.

BACKGROUND:

At the end of each calendar year, Land Division reviews its list of current revocable permits issued statewide and determines which ones to recommend to the Board of Land and Natural Resources for renewal for the upcoming year. Generally, those revocable permits in good standing will be recommended for renewal, unless the Board has approved a different disposition for the land covered by a particular permit.

In the past, staff has brought all revocable permits to the Board for renewal in one submittal. At its meeting on December 11, 2015, Item D-14, as amended, the Board directed staff to submit revocable permit renewals by county over four meetings, with an explanation of why a revocable permit is the appropriate disposition and how the rent was set. At its meeting on June 24, 2016, Item D-7, the Board further approved the recommendations of the Department of Land and Natural Resources Revocable Permit Task Force, as amended, requesting all divisions notate any non-compliance issues and pending litigation in the renewal template. In accordance with this directive, staff is submitting the Maui County revocable permits, including the additional information the Board requested.

REMARKS:

The list of revocable permits for Maui County that staff recommends be renewed for 2017 is attached as Exhibit 2. Included in the exhibit are the permittee names, tax map keys, original commencement date of the permit, character of use, land area, annual rent, method by which staff set the rent and the rationale behind the issuance of a revocable permit. General location maps of the revocable permits to be renewed are attached as Exhibit 3.

Staff has procured a contract with James Hallstrom of The Hallstrom Group/CBRE, Inc. for appraisal consulting services to assist in establishing the scope of work with respect to valuing the rent to charge for the use of State lands underlying revocable permits statewide as of 1/1/17, and ground rent discounts for tenancy and use restriction, if any. Once the scope is established, a second phase of the contract will be negotiated for appraisal services to set new rents for significantly underperforming assets. Upon receipt of the appraisal report(s) for these assets, staff will obtain the Chairperson's approval for the implementation of new rents, unless the Board would prefer that staff return to the full Board for review of the rents.

As an interim measure, to ensure a reasonable return for the use of public lands, the Board is requested to approve an increase in rents for all revocable permits. Staff recommends that the new rent for each revocable permit be based on a one-time increase of 1.5% of the base rent, multiplied by the number of years since first issuance of the permit, or since the most recent rental evaluation, beginning in 1999. For example, for a revocable permit issued in 1999 with an annual rent of \$1,000.00, the rent would be increased by 27.00%, for a new annual rent of \$1,270.00. This increase would be across the board, regardless of the type of revocable permit, or location of the land. Below is a table of the percentage increase in annual rent based on the year that the revocable permit was issued.

YEAR PERMIT ISSUED OR LAST YEAR RENT EVALUATED	RECOMMENDED RENT INCREASE (% OF BASE RENT)
1999	27.00%
2000	25.50%
2001	24.00%
2002	22.50%
2003	21.00%
2004	19.50%
2005	18.00%
2006	16.50%
2007	15.00%
2008	13.50%
2009	12.00%

2010	10.50%
2011	9.00%
2012	7.50%
2013	6.00%
2014	4.50%
2015	3.00%
2016	1.50%

Beginning in 2017, the annual rent for every revocable permit would be subject to an annual increase of 1.5% until the rent can be appraised at fair market value. Considering that the average annual increase in the consumer price index for Honolulu from 1999 to the present is 2.52%, staff believes that the 1.5% annual increase is a fair compromise, taking into account the various land uses and locations for revocable permits statewide.

The following State and County of Maui agencies were consulted on this action with the results indicated:

Agency:	Comment:
Division of Forestry and Wildlife	See Exhibit 7
Office of Conservation and Coastal Lands	See Exhibit 4 & 5. After consultation with OCCL regarding RP 7581, it was agreed that the use is non-conforming.
State Parks	No comments
Historic Preservation	SHPD requests the opportunity to review any future permits involving ground disturbing activities for the revocable permits (RP) identified in Table 1 (see Exhibit 6). A review of SHPD records indicate that significant historic properties have been identified on these RPs and potential exists for ground disturbing activities to adversely impact them and possible subsurface historic properties not yet identified.
Engineering	No comments
Maui District Land Office	Updated status on several RPs
Commission on Water Resource Management	No response by suspense date
Division of Conservation and Resources Enforcement	No response by suspense date
Department of Hawaiian Home Lands	No response by suspense date

Agency:	Comment:
Department of Agriculture	No objections, however, DOA wished to state that the Board of Agriculture (BOA) has not mutually approved any or all permits that reflect “Board approved transfer to DOA per Act 90” listed in Exhibit 2. Further, in the event the BOA approves the transfer of any or all of said RPs, it will be subject to certain stated conditions.
Agribusiness Development Corporation	No response by suspense date
Office of Hawaiian Affairs	See Exhibit 3
County Planning Department	Regarding RPs 5405, 7723 & 7780: 1) Preserve the gravel parking lot located Mauka of the main building of Mana Kai Maui AOO, for beach access parking, as well as the State owned parking lot at parcel 3-9-004:149 (RP 7780) for public use; 2) maintain lateral access along shoreline area; 3) Should upgrades be made to parking areas, use pervious surface to avoid ponding and ocean runoff; 4) Should upgrades be made to parking areas, consult with County of Maui, Department of Planning, Current Division, Environmental Section; and 5) Maintain natural areas Mauka of parking lots to provide habitat for migratory birds and erosion control.
County Department of Public Works	No response by suspense date
County Department of Water Supply	No response by suspense date

RECOMMENDATION: That the Board:

1. Approve the continuation of the revocable permits listed in Exhibit 2 on a month-to-month basis for another one-year period through December 31, 2017, except for permits that are in arrears of rental payment for more than 60 days and/or have been approved for forfeiture by a separate Board action. Permits in arrears of rental for 60 days or more and/or approved by the Board for forfeiture shall not be

renewed; and

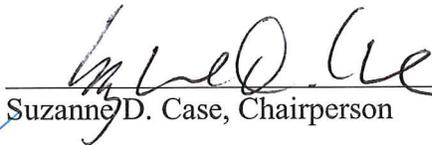
2. Approve rent adjustments effective January 1, 2017 for the current monthly rent for the revocable permits listed in Exhibit 2 in accordance with the table above, provided however, that the Land Board reserves and delegates to the Chairperson the right at any time to review and reestablish new rental charges for revocable permits, to reflect market conditions or the fair market rental for the rights and privileges granted by such revocable permits and to best serve the interests of the State.

Respectfully Submitted,



Richard T. Howard
Land Agent

APPROVED FOR SUBMITTAL:


Suzanne D. Case, Chairperson

EXEMPTION NOTIFICATION

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

Project Title: Annual Renewal of Revocable Permits on the Islands of Maui, Molokai and Lanai

Project / Reference No.: Not applicable

Project Location: Various locations on the Islands of Maui, Molokai and Lanai

Project Description: Renew existing revocable permits for a term of one year.

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

Exemption Class No.: In accordance with the Exemption List for the Department of Land and Natural Resources, approved by the Environmental Council on June 5, 2015, the subject request for issuance for right-of-entry is exempt from the preparation of an environmental assessment pursuant to Exemption Class 1, "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."

The annual renewal of existing revocable permits on State lands involves the continuation of existing uses on the lands. No change in use is authorized by the renewal.

Consulted Parties Agencies listed in submittal.

Recommendation: That the Board find 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.


Suzanne D. Case, Chairperson
Date 9/1/16

EXHIBIT 1

REVOCABLE PERMIT MASTER LIST 2017

Note: Permits showing "0" annual rent may be gratis, or subject to a non-fixed rental amount, e.g. % of net revenue, amount per event, or amount per unit

consumed (some water permits)							
Doc No.	Permittee Name	TMK	Lease From	Char of Use	Lsed Area	Annual Rent	Comments re rent amount and why no long-term disposition
MAUI COUNTY							
rp4450	TEXEIRA, JOSEPH	(2) 3-1-001:001-0000	12/12/1969	Pipeline	0	336	<ul style="list-style-type: none"> •Rent based on staff appraisal 10/26/92, reviewed and unchanged by Board action on 6/25/99, item D-11. •The permittee is deceased. MDLO working with permittee's granddaughter to convert rp to an easement. A portion of the survey has been completed.
rp5104	SEASIDE DEVELOPERS	(2) 3-9-004:087-0000	3/1/1975	Landscaping	2.5	1,404.00	<ul style="list-style-type: none"> •Rent set by Board action on 12/7/90, item F-20, reviewed and left unchanged by Board action on 6/25/99, item D-11. •Permittee using only a portion of parcel for landscaping. The only access to the parcel from the public road is through permittee's property or over State owned land. The permit stipulates the public shall have full and unrestricted use of the cleared and landscaped permit areas at all times. Permittee shall post a sign reading that the area is open to the public.

UNLESS OTHERWISE NOTED, THERE ARE NO
NON-COMPLIANCE ISSUES OR PENDING LITIGATION

EXHIBIT 2

REVOCABLE PERMIT MASTER LIST 2017

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Doc No.	Permittee Name	TMK	Lease From	Char of Use	Lsed Area	Annual Rent	Comments re rent amount and why no long-term disposition
rp5171	HOOPII, RICHARD	(2) 3-1-004:029-0000	10/1/1975	Agriculture	0.13	156	<ul style="list-style-type: none"> •Rent based on staff appraisal report of 11/9/92, reviewed and left unchanged by Board action on 6/25/99, item D-11. •The parcel is a Board approved transfer to DOA per Act 90.
rp5405	MANA KAI APT OWNERS ASSN.	(2) 3-9-004:001-0000	5/27/1977	Landscaping	0.298	1,212.00	<ul style="list-style-type: none"> •Rent set by Board action on 12/7/90, item F-20, reviewed and left unchanged by Board action on 6/25/99, item D-11. •Permittee using only a portion of the parcel for landscaping. The permit stipulates that the public shall have full and unrestricted use of the permit area, and permittee will install such signs as are deemed necessary by the Maui District Land Agent to indicate premises are open to the public.
rp5710	WAIAKOA HOMEOWNERS ASSOCIATION	(2) 2-2-009:070-0000	8/1/1979	Miscellaneous	0	156	<ul style="list-style-type: none"> •Rent set by Board action on 12/7/90, item F-20, reviewed and left unchanged by Board action on 6/25/99, item D-11. •The permit was supposed to be converted to an easement, applicant's engineer's drawings were not detailed enough for Survey Div. MDLO to investigate.

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EXHIBIT 2

REVOCABLE PERMIT MASTER LIST 2017

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consumed (some water permits)							
Doc No.	Permittee Name	TMK	Lease From	Char of Use	Lsed Area	Annual Rent	Comments re rent amount and why no long-term disposition
rp5834	HALE PAU HANA HOMEOWNERS ASSN.	(2) 3-9-005:001-0000	3/1/1980	Revetment	0.103	2,772.00	<ul style="list-style-type: none"> •Rent set by staff appraisal effective 12/1/92, reviewed and left unchanged by Board action on 6/25/99, item D-11. •At its meeting on 3/10/11, item D-5, the Board approved the cancellation of the permit and the issuance of a term easement. An appraisal was done, but the valuation was disputed by permittee, which commissioned its own appraisal.
rp5835	HALE PAU HANA HOMEOWNERS ASSN.	(2) 3-9-005:001-0000	5/10/1980	Landscaping	0.555	348	<ul style="list-style-type: none"> •Rent set by Board action on 12/15/89, item F-21, reviewed and left unchanged by Board action on 6/25/99, item D-11. •At its meeting on 3/10/11, item D-5, the Board approved the cancellation of the permit and the issuance of a term easement. An appraisal was done, but the valuation was disputed by permittee, which commissioned its own appraisal.

REVOCABLE PERMIT MASTER LIST 2017

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Doc No.	Permittee Name	TMK	Lease From	Char of Use	Lsed Area	Annual Rent	Comments re rent amount and why no long-term disposition
rp5847	TEXEIRA ET AL, JOSEPH R.	(2) 3-1-006:001-0000	6/1/1975	Miscellaneous	0.147	156	<ul style="list-style-type: none"> •Rent based on 10/26/92 staff appraisal report, reviewed and left unchanged by 1998 staff appraisal worksheet. •The permittee is deceased. MDLO working with permittee's granddaughter to convert rp to an easement. The survey is partially complete.
rp5900	KEAWAKAPU HOMEOWNERS ASSN.	(2) 3-9-004:140-0000	6/1/1980	Landscaping	0.338	156	<ul style="list-style-type: none"> •Rent set by Board action on 6/25/99, itemD-11. •Permittee using only a portion of the parcel for landscaping & maintenance.
rp6047	DURO, TRAV	(2) 4-5-13:2-A; 26-A	9/16/1983	Seawall/Boat Ram	0.008	252	<ul style="list-style-type: none"> •Rent set by Board action on 6/25/99, item D-11. •Staff to convert rp to an easement.
rp6121	KAHAKULOA PROTESTANT CHURCH	(2) 3-1-004:005-0000	4/1/1984	Community Use	0.33	372	<ul style="list-style-type: none"> •Rent set by 1998 staff appraisal worksheet. •Staff will cancel rp and award direct lease to a different 501 (c)(3) to rehabilitate the building.
rp6199	UNITED STATES OF AMERICA	(2) 2-2-007:009-0000	3/19/1985	Government	0	0	<ul style="list-style-type: none"> •Rent is gratis. •RP issued to a governmental agency.

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Doc No.	Permittee Name	TMK	Lease From	Char of Use	Lsed Area	Annual Rent	Comments re rent amount and why no long-term disposition
rp6648	CARTER, CHARLES G.	(2) 3-1-4:101,104, 106	8/1/1989	Agriculture	1.094	156	<ul style="list-style-type: none"> •Rent set by Board action on 12/7/90, item F-20, reviewed and left unchanged by Board action on 6/25/99, item D-11. Charles Carter was previously issued RP6463, which commenced 11/1/86. •Parcels are either landlocked, or economically unsuitable due to size and shape.
rp6766	LOOMIS, JAMES C.	(2) 2-9-003:040-0000	6/1/1991	Agriculture	14.76	888	<ul style="list-style-type: none"> •Rent set by Board action on 6/25/99, item D-11. •Board approved transfer to DOA per Act 90.
rp6816	DEPT. OF ACCOUNTING &	(2) 5-3-005:010-0000	8/1/1992	Baseyard/Storage	4	0	<ul style="list-style-type: none"> •Rent is gratis. • RP granted to State Agency.
rp7208	RAYCOM NATIONAL, INC.	(2) 2-2-007:015-0000	1/16/2000	Telecom Facility	0.204	9,000.00	<ul style="list-style-type: none"> •Rent determined by staff appraisal calculation for telecom sites on 9/24/99. •Staff to explore the possibility of selling a lease at public auction.
rp7209	RAYCOM NATIONAL, INC.	(2) 2-2-007:014-0000	1/16/2000	Telecom Facility	0.166	9,000.00	<ul style="list-style-type: none"> •Rent determined by staff appraisal calculation for telecom sites on 9/24/99. •Staff to explore the possibility of selling a lease at public auction.

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EXHIBIT 2

REVOCABLE PERMIT MASTER LIST 2017

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Doc No.	Permittee Name	TMK	Lease From	Char of Use	Lsed Area	Annual Rent	Comments re rent amount and why no long-term disposition
rp7220	STATE OF HAWAII, DLNR	(2) 1-3-004:015-0000	8/1/2000	Baseyard/Storage	0.344	0	<ul style="list-style-type: none"> •Rent is gratis. • At its meeting on 2/12/16, Item D-6, the Board approved the cancellation of DOFAW's rp and the issuance of an rp to the Maui Invasive Species Committee.
rp7343	CLUB LANAI PROPERTIES, LLC	(2) 4-9-003:027-0000	3/1/2000	Pier/Dock	2.073	21,528.00	<ul style="list-style-type: none"> •Rent based on staff appraisal dated 10/10/00. •Staff to convert rp to an easement.
rp7345	HUNTER, MURRAY	(2) 2-9-013:014-0000	9/1/2002	Pasture	79.1	204	<ul style="list-style-type: none"> •Rent determined by animal production formula 4/1/03. •Staff to explore the possibility of selling a lease at public auction.
rp7368	ALEXANDER & BALDWIN, INC.	(2) 3-8-8:1,8,20	7/1/2003	Sugarcane	778.371	55,560.00	<ul style="list-style-type: none"> •Rent determined by in-house valuation dated 9/5/03. •At its meeting on 12/24/14, item D-5, the Board amended its previous actions regarding the cancellation and reissuance of RP7368 by approving the reissuance based on a reduced area. A short term disposition is appropriate, as the parcel is subject to land use changes by the Maui Planning Commission.

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consumed (some water permits)							
Doc No.	Permittee Name	TMK	Lease From	Char of Use	Lsed Area	Annual Rent	Comments re rent amount and why no long-term disposition
rp7479	HERTZ, MARY MAXWELL	(2) 2-1-005:122-0000	1/1/2010	Agriculture	6	2,772.00	<ul style="list-style-type: none"> •Rent carried over from cancelled RP6750 (commenced 3/1/91), set by Board action on 6/25/99, item D-11. •Board approved transfer to DOA per Act 90.
rp7484	YAMADA PACIFIC, INC.	(2) 4-5-001:053-0000	1/1/2010	Commercial	0.043	16,080.00	<ul style="list-style-type: none"> •Rent carried over from cancelled RP6528 (commenced 10/1/87), set by Board action on 11/16/07, item D-1. •Staff to convert to an easement.
rp7485	NOBRIGA'S RANCH INC.	(2) 3-1-006:003-0000	2/1/2010	Pasture	136.4	336	<ul style="list-style-type: none"> •Rent carried over from cancelled RP5352 (commenced 1/16/77), set by Board action on 6/25/99, item D-11. •The parcel sits in the Conservation District. Staff could not find any record of a conservation permit or application in permittee's file. Staff to require permittee to apply for CDUP, and explore the possibility of selling a lease at public auction.
rp7487	NOBRIGA'S RANCH INC.	(2) 3-1-006:002-0000	1/1/2010	Pasture	187.465	456	<ul style="list-style-type: none"> •Rent carried over from cancelled RP5315 (commenced 12/1/76), set by Board action on 6/25/99, item D-11. •No access to parcel from public road.

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Doc No.	Permittee Name	TMK	Lease From	Char of Use	Lsed Area	Annual Rent	Comments re rent amount and why no long-term disposition
rp7493	NOBRIGA'S RANCH, INC.	(2) 3-1-001:004-0000	1/1/2010	Pasture	78.6	192	<ul style="list-style-type: none"> •Rent carried over from cancelled RP6544 (commenced 10/17/87), set by Board action on 6/25/99,item D-11. •Staff to seek Board approved sale of lease at public auction.
rp7495	YOUNG, LAFAYETTE	(2) 2-9-3:17, 20	2/1/2010	Pasture	110.36	1,092.00	<ul style="list-style-type: none"> •Rent carried over from cancelled RP5232 (commenced 5/1/77), set by Board action on 6/25/99, item D-11. •Staff to explore the possibility of selling a lease at public auction.
rp7503	ALEXANDER & BALDWN	(2) 3-8-001:046-0000	2/1/2010	Agriculture	6.107	480	<ul style="list-style-type: none"> •Rent carried over from cancelled RP5214 (commenced 10/15/75), set by Board action on 6/25/99, item D-11. •Board approved transfer to DOA per Act 90.
rp7505	AOAO NAPILI SURF APARTMENTS	(2) 4-3-002:099-0000	3/1/2010	Landscaping	0.23	1,428.00	<ul style="list-style-type: none"> •Rent carried over from cancelled RP5343 (commenced 12/10/76), set by Board action on 12/7/90, item F-20, reviewed and left unchanged by Board action on 6/25/99, item D-11. •Landscaping and maintenance purposes. Amend permit to require signage stating the permit area is open to the public.

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Doc No.	Permittee Name	TMK	Lease From	Char of Use	Lsed Area	Annual Rent	Comments re rent amount and why no long-term disposition
rp7506	ALEXANDER & BALDWIN, INC.	(2) 3-8-003:022-0000	7/1/2010	Agriculture	1.168	156	<ul style="list-style-type: none"> •Rent carried over from cancelled RP5485 (commenced 7/1/77), set by Board action on 12/7/90, item F-20, reviewed and left unchanged by Board action on 6/25/99, item D-11. •Board approved transfer to DOA per Act 90.
rp7512	MEDEIROS, JOHN S. AND YVONNE	(2) 2-2-013:010-0000	10/1/2011	Pasture	3.096	156	<ul style="list-style-type: none"> •Rent carried over from cancelled RP6829 (commenced 1/1/93), staff recommended minimum allowable rent after staff appraisal, reviewed and left unchanged by 1998 staff appraisal worksheet. •No access to parcel per State Highways FAP No. BF-037-1 (1)/Kula Highway System.
rp7513	DAY, JOSEPH J.	(2) 1-1-006:038-0000	8/1/2010	Agriculture	0.85	156	<ul style="list-style-type: none"> •Rent carried over from cancelled RP6821 (commenced 7/22/92), determined by staff appraisal dated 6/21/92, reviewed and left unchanged by Board action on 6/25/99, item D-11. •Board approved transfer to DOA per Act 90.

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consumed (some water permits)							
Doc No.	Permittee Name	TMK	Lease From	Char of Use	Lsed Area	Annual Rent	Comments re rent amount and why no long-term disposition
rp7523	FLECK, JR., PHILIP AND GLORIA	(2) 2-2-017:017-0000	2/1/2010	Agriculture	1.04	732	<ul style="list-style-type: none"> •Rent carried over from cancelled RP6649 (commenced 7/1/89), set by Board action on 6/25/99, item D-11. •Board approved transfer to DOA per Act 90.
rp7524	NUNES, ERNEST	(2) 4-6-018:022-0000	4/1/2010	Pasture	35	336	<ul style="list-style-type: none"> •Rent carried over from cancelled RP6464 (commenced 11/1/86), set by Board action on 6/25/99, item D-11. •Part of the parcel lies within the Conservation District. Staff could not find any record of a conservation permit or application in permittee's file. Staff to require permittee to apply for CDUP, and explore the possibility of selling a lease at public auction.
rp7526	CAMBRA, JR., LOUIS G.	(2) 2-3-008:026-0000	1/1/2010	Pasture	18.365	156	<ul style="list-style-type: none"> •Rent carried over from cancelled RP6176 (commenced 4/1/85), set by Board action 6/25/99, item D-11. •Irregularly shaped parcel, no legal access from public road. The parcel is a gulch, which is prone to flooding.

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consumed (some water permits)							
Doc No.	Permittee Name	TMK	Lease From	Char of Use	Lsed Area	Annual Rent	Comments re rent amount and why no long-term disposition
rp7529	KAAUAMO, JR., SOLOMON & HANNAH K.	(2) 1-1-4:13,30	2/1/2010	Intensive Ag	2.99	480	<ul style="list-style-type: none"> •Rent carried over from RP6229 (commenced 7/20/85), determined by Board action on 6/25/99, item D-11. •Board approved transfer to DOA per Act 90.
rp7534	DUNN, LESLIE A.	(2) 3-1-005:028-0000	2/1/2010	Agriculture	0.352	156	<ul style="list-style-type: none"> •Rent carried over from cancelled RP6004 (commenced 5/1/83), set by Board action 12/7/90, item F-20, reviewed and left unchanged by Board action on 6/25/99, item D-11. •No access to parcel from public road.
rp7537	HALEAKALA RANCH CO.	(2) 1-8-001:005-0000	1/1/2010	Pasture	361.2	1,668.00	<ul style="list-style-type: none"> •Rent carried over from cancelled RP5936 (commenced 3/19/82), set by Board action on 6/25/99, item D-11. •Parcel is landlocked with no access from public road.
rp7539	OLSEN, RICHARD L.	(2) 2-1-007:010-0000	1/1/2010	Recreational	0.19	3,384.00	<ul style="list-style-type: none"> •Rent carried over from cancelled RP6140 (commenced 10/1/84), set by Board action on 6/25/99, item D-11. •Staff to explore the possibility of selling a lease at public auction.

UNLESS OTHERWISE NOTED, THERE ARE NO NON-COMPLIANCE ISSUES OR PENDING LITIGATION

EXHIBIT 2

REVOCABLE PERMIT MASTER LIST 2017

Note: Permits showing "0" annual rent may be gratis, or subject to a non-fixed rental amount, e.g. % of net revenue, amount per event, or amount per unit

consumed (some water permits)							
Doc No.	Permittee Name	TMK	Lease From	Char of Use	Lsed Area	Annual Rent	Comments re rent amount and why no long-term disposition
rp7540	STAR, WHITE	(2) 2-9-007:003-0000	2/1/2010	Pasture	11.6	156	<ul style="list-style-type: none"> •Rent carried over from cancelled RP6082 (commenced 2/1/84), staff recommendation of minimum allowable rent 11/19/93 and left unchanged by Board action on 6/25/99, item D-11. •Irregularly shaped parcel, a portion of which lies within the Conservation District. The permit was issued with the stipulation that the conservation lands would be kept in their natural state. Staff to inspect the parcel to confirm non-use of conservation district areas. Staff to explore the possibility of selling a lease at public auction.
rp7545	BROWNE, ROAN AND SUSAN	(2) 2-9-001:020-0000	2/1/2010	Agriculture	9.63	204	<ul style="list-style-type: none"> •Rent carried over from cancelled RP6180 (commenced 4/1/85), set by Board action on 6/25/99, item D-11. •Board approved transfer to DOA per Act 90.
rp7549	COUNTY OF MAUI	(2) 5-7-007:016-0000	12/1/2010	Miscellaneous	0.115	0	<ul style="list-style-type: none"> •Rent is gratis. • RP granted to another governmental agency.

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NON-COMPLIANCE ISSUES OR PENDING LITIGATION

EXHIBIT 2

REVOCABLE PERMIT MASTER LIST 2017

Note: Permits showing "0" annual rent may be gratis, or subject to a non-fixed rental amount, e.g. % of net revenue, amount per event, or amount per unit

Doc No.	Permittee Name	TMK	Lease From	Char of Use	Lsed Area	Annual Rent	Comments re rent amount and why no long-term disposition
rp7551	HERTZ, MARY	(2) 2-1-005:119-0000	2/1/2010	Miscellaneous	0.152	156	<ul style="list-style-type: none"> •Rent carried over from cancelled RP6683 (commenced 10/1/89) based on staff appraisal on 10/28/92, reviewed and left unchanged by Board action on 6/25/99, item D-11. •Staff to seek sale of lease at public auction for water tank site by Board.
rp7552	FRANCO, STEVEN J. & CAROL JEAN	(2) 2-2-003:001-0000	3/1/2010	Access	0.052	156	<ul style="list-style-type: none"> •Rent carried over from cancelled RP6751 (commenced 3/1/91), by staff recommendation 2/22/91, item F-1, reviewed and left unchanged by Board action on 6/25/99, item D-11. •Staff to convert to an easement.

REVOCABLE PERMIT MASTER LIST 2017

Note: Permits showing "0" annual rent may be gratis, or subject to a non-fixed rental amount, e.g. % of net revenue, amount per event, or amount per unit

consumed (some water permits)							
Doc No.	Permittee Name	TMK	Lease From	Char of Use	Lsed Area	Annual Rent	Comments re rent amount and why no long-term disposition
rp7553	NUNES, ERNEST	(2) 4-6-018:021-0000	2/1/2010	Pasture	35	336	<ul style="list-style-type: none"> •Rent carried over from cancelled RP6585 (commenced 12/1/88), set by Board action on 6/25/99, item D-11. •The majority of the parcel lies within the Conservation District. Staff could not find any record of a conservation permit or application in permittee's file. Staff to require permittee to apply for CDUP, and explore the possibility of selling a lease at public auction.
rp7558	KAAUAMO, WILKENS P.	(2) 1-1-4:28; 1-1-5:52	3/1/2010	Ag & Pasture	3.88	624	<ul style="list-style-type: none"> •Rent carried over from RP6990 (commenced 12/15/95), determined by Board action on 6/25/99, item D-11. •No access to parcel 28 from public road. Staff to explore the possibility of selling a lease at public auction.
rp7562	HALEAKALA RANCH COMPANY	(2) 2-4-016:001-0000	3/1/2010	Pasture	142.3	1,380.00	<ul style="list-style-type: none"> •Rent carried over from cancelled RP7015 (commenced 4/1/95), set by Board action 6/25/99, item D-11. The original permit, RP5973, commenced 1/12/83. •Staff to explore the possibility of selling a lease at public auction.

UNLESS OTHERWISE NOTED, THERE ARE NO
NON-COMPLIANCE ISSUES OR PENDING LITIGATION

EXHIBIT 2

REVOCABLE PERMIT MASTER LIST 2017

Note: Permits showing "0" annual rent may be gratis, or subject to a non-fixed rental amount, e.g. % of net revenue, amount per event, or amount per unit

Doc No.	Permittee Name	TMK	Lease From	Char of Use	Lsed Area	Annual Rent	Comments re rent amount and why no long-term disposition
rp7568	LATHAM, WILLIAM	(2) 1-1-003:092-0000	6/1/2010	Agriculture	0.67	480	<ul style="list-style-type: none"> •Rent determined by in-house valuation dated 10/27/09. •No access from public road.
rp7571	NOBRIGA'S RANCH INC.	(2) 3-1-002:011-0000	3/1/2010	Pasture	82	408	<ul style="list-style-type: none"> •Rent carried over from cancelled RP4008 (commenced 4/1/67), set by Board action on 6/25/99, item D-11. •Only 10 acres usable for pasture, not suitable for long term lease.
rp7573	AOAO OF THE ROYAL MAUIAN	(2) 3-9-005:001-0000	3/1/2010	Landscaping	0.053	396	<ul style="list-style-type: none"> •Rent carried over from cancelled RP5977 (commenced 1/1/83), set by Board action on 12/7/90, item F-20, reviewed and left unchanged by Board action on 6/25/99, item D-11. •Staff to convert to an easement. Staff sent a letter to permittee dated 3/11/13 regarding the conversion to an easement, and outlined several encroachments.

UNLESS OTHERWISE NOTED, THERE ARE NO
NON-COMPLIANCE ISSUES OR PENDING LITIGATION

EXHIBIT 2

REVOCABLE PERMIT MASTER LIST 2017

Note: Permits showing "0" annual rent may be gratis, or subject to a non-fixed rental amount, e.g. % of net revenue, amount per event, or amount per unit

Doc No.	Permittee Name	TMK	Lease From	Char of Use	Lsed Area	Annual Rent	Comments re rent amount and why no long-term disposition
rp7582	ALEXANDER & BALDWIN, INC.	(2) 2-5-001:010-0000	6/1/2010	Agriculture	0.227	156	<ul style="list-style-type: none"> •Rent carried over from cancelled RP5391, set by Board action on 12/7/90 (Item F-20), reviewed and left unchanged by Board action on 6/26/99 (Item D-11). •Parcel landlocked by permittee's property.
rp7583	LAHAINA RESTORATION FOUNDATION	(2) 4-6-018:005-0000	4/1/2010	Cultural	0.063	0	<ul style="list-style-type: none"> •Rent is gratis. •Staff to explore entering into a direct lease with this 501(c)(3) entity.

REVOCABLE PERMIT MASTER LIST 2017

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Doc No.	Permittee Name	TMK	Lease From	Char of Use	Lsed Area	Annual Rent	Comments re rent amount and why no long-term disposition
rp7608	JACINTHO, WILLIAM F.	(2) 1-4-7:9,17	5/1/2010	Pasture	25.077	480	<ul style="list-style-type: none"> •Staff recommended minimum allowable rent after in-house valuation on 12/23/09 of similar pasture permits. •The permit excludes the conservation district area. Staff to explore possibility of selling a lease at public auction.
rp7618	STABLE ROAD BEACH RESTORATION FOUNDATION	(2)3-8-2:65,70,71,74,76-78,94A	4/12/2010	Miscellaneous	0.894	0	<ul style="list-style-type: none"> •Cancellation of rp approved by Board at its meeting on Sept. 26, 2014 (Item D-6). •Staff to convert rp to an easement.
rp7621	SOUZA, JR., BARRON THOMAS	(2) 2-9-1:8, 11	10/1/2010	Pasture	10.403	480	<ul style="list-style-type: none"> •Minimum allowable rent recommended by staff after reviewing similar pasture permits. •No access from public road for either parcel.
rp7622	BUTTERFLY, SAMADHI	(2) 1-6-009:017-0000	11/1/2010	Agriculture	1.253	480	<ul style="list-style-type: none"> •Staff recommended minimum allowable rent after in-house valuation on 10/27/09 of similar agricultural permits. •Staff to explore the possibility of selling a lease at public auction.
rp7639	DEPT. OF LAND AND NATURAL RESOURCES, C/O MAUI DISTRICT MANAGER	(2) 4-8-003:008-0000	11/1/2010	Miscellaneous	1.1	0	<ul style="list-style-type: none"> •Rent is gratis. • RP granted to State Agency.

UNLESS OTHERWISE NOTED, THERE ARE NO NON-COMPLIANCE ISSUES OR PENDING LITIGATION

EXHIBIT 2

REVOCABLE PERMIT MASTER LIST 2017

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Doc No.	Permittee Name	TMK	Lease From	Char of Use	Lsed Area	Annual Rent	Comments re rent amount and why no long-term disposition
rp7686	AOAO OF MAUI KAMAOLE, INC.	(2) 3-9-004:146-0000	6/1/2011	Landscaping	0.894	156	<ul style="list-style-type: none"> •Rent carried over from cancelled RP7330 (commenced 8/1/01), set by 1998 staff appraisal worksheet. •Landscaping and maintenance purposes.
rp7699	DOOR OF FAITH CHURCH AND BIBLE SCHOOL	(2) 2-9-008:018-0000	7/1/2011	Access	1.24	500.04	<ul style="list-style-type: none"> •Rent carried over from cancelled RP7395 (commenced 10/11/03), set by Board action 6/9/05, item D-10. •Permittee using only a portion of the parcel.
rp7707	ALEXANDER, JEFFREY & DONNA	(2) 2-3-008:027-0000	7/1/2011	Pasture	3.12	156	<ul style="list-style-type: none"> •Minimum allowable rent carried over from cancelled RP7133 (commenced 11/1/98), which was higher than staff appraisal. •The parcel is a steep-sloped gully with approximately one acre of usable for pasture. No access from public road, unsuitable for long term lease.
rp7723	AOAO OF MANA KAI-MAUI	(2) 3-9-004:001-0000	8/1/2011	Parking	0.425	936	<ul style="list-style-type: none"> •Rent carried over from cancelled RP7196 (commenced 12/1/87), set by in-house valuation dated 4/1/03. •Permittee using only a portion of parcel for parking and propane tank.

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EXHIBIT 2

REVOCABLE PERMIT MASTER LIST 2017

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consumed (some water permits)							
Doc No.	Permittee Name	TMK	Lease From	Char of Use	Lsed Area	Annual Rent	Comments re rent amount and why no long-term disposition
rp7746	DORRIS, STEPHEN	(2) 2-9-003:008-0000	9/1/2011	Agriculture	9.82	1,356.00	<ul style="list-style-type: none"> •Rent carried over from cancelled RP7065 (commenced 9/13/96), which was set at the RP's commencement, reviewed and left unchanged by Board action on 6/25/99, item D-11 . •Board approved transfer to DOA per Act 90.
rp7755	MARTIN, JR., NORMAN D.	(2) 1-1-6:41,43	9/1/2011	Agriculture	0.56	168	<ul style="list-style-type: none"> •Rent carried over from cancelled RP7305 (commenced 7/1/03), determined by in-house valuation using similar gen. ag. RPs in area with same zoning. •Board approved transfer to DOA per Act 90.
rp7760	MARINO, DOMINICK & PATRICIA	(2) 2-3-007:028-0000	9/1/2011	Pasture	0.63	156	<ul style="list-style-type: none"> •Rent carried over from cancelled RP7214 (commenced 8/1/00), minimum allowable rent recommended following staff appraisal 12/20/99. •Low interest for property, no water. Infeasible to sell long-term lease due to small size of parcel.

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EXHIBIT 2

REVOCABLE PERMIT MASTER LIST 2017

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consumed (some water permits)							
Doc No.	Permittee Name	TMK	Lease From	Char of Use	Lsed Area	Annual Rent	Comments re rent amount and why no long-term disposition
rp7762	BOERNER, CHARLES J.	(2) 1-6-5:8,21,22,23	8/1/2011	Pasture	14.354	156	<ul style="list-style-type: none"> •Rent carried over from cancelled RP7324 (commenced 9/1/02), which was determined 6/14/02 and based on the rent re-opening for GL4529, which previously encumbered these parcels, for the period covering 9/1/96-8/31/01. •There is no access to the parcels from a public road.
rp7769	HECHT, MARGARET ANN	(2) 1-6-8:2,4	9/1/2011	Pasture	62.534	348	<ul style="list-style-type: none"> •Rent carried over from cancelled RP7325 (commenced 9/1/02), which was determined 6/14/02 and based on the rent re-opening for GL4529, which previously encumbered these parcels, for the period covering 9/1/96-8/31/01. •No access to parcels from public road.
rp7778	KAUPO RANCH, LTD.	(2) 1-7-003:032-0000	11/1/2011	Pasture	20.9	216	<ul style="list-style-type: none"> •Rent carried over from cancelled RP7347 (commenced 9/1/02), based on similar pasture uses in area. •Staff to explore possibility of selling a lease at public auction.

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REVOCABLE PERMIT MASTER LIST 2017

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Doc No.	Permittee Name	TMK	Lease From	Char of Use	Lsed Area	Annual Rent	Comments re rent amount and why no long-term disposition
rp7780	RUBY & SONS HOSPITALITY LLC	(2) 3-9-004:149-0000	9/1/2011	Parking	0.694	1,524.00	<ul style="list-style-type: none"> •Rent carried over from Western Apartment Supply and Maintenance's cancelled RP7235, set by staff appraisal on 6/21/00. •The rp was issued for additional parking for GL 4212, which ends 9/3/33.
rp7781	JOHNSON, JAMES L. AND NANCY K.	(2) 1-1-003:064-0000	9/1/2011	Landscaping	0.214	156	<ul style="list-style-type: none"> •Rent carried over from previous cancelled RP7351 (commenced 5/1/002), set by Board approved submittal on 12/12/02, item D-12. •Staff to explore the possibility of selling the parcel as a remnant.
rp7783	WEINBERG FOUNDATION, INC., THE HARRY & JEANETTE	(2) 4-5-001:009-A	9/1/2011	Commercial	0.028	15,384.00	<ul style="list-style-type: none"> •Rent carried over from cancelled RP7066 (commenced 11/15/96), set by Board action on 11/16/07, item D-1. •Staff to convert to an easement.
rp7787	PACIFIC RADIO GROUP, INC.	(2) 2-2-004:089-0000	9/1/2011	Utility	1	9,000.00	<ul style="list-style-type: none"> •Rent carried over from cancelled RP7205 (commenced 8/1/99), by staff appraisal dated 12/7/98. •Staff to explore the possibility of selling a lease at public auction.

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EXHIBIT 2

REVOCABLE PERMIT MASTER LIST 2017

Note: Permits showing "0" annual rent may be gratis, or subject to a non-fixed rental amount, e.g. % of net revenue, amount per event, or amount per unit consumed (some water permits)

Doc No.	Permittee Name	TMK	Lease From	Char of Use	Lsed Area	Annual Rent	Comments re rent amount and why no long-term disposition
rp7796	KANOA, ISAAC A. & GLADYS R.	(2) 1-1-3:33,43,44	9/1/2011	Agriculture	1.497	240	<ul style="list-style-type: none"> •Rent carried over from Victoria Kanoa's cancelled RP5168, set by Board action on 6/25/99, item D-11. Permittee's first permit, RP7327, commenced 9/1/02. •Board approved transfer to DOA per Act 90.
rp7804	KAHIAMOE, JR., MOSES	(2) 2-9-8:18, 24	5/1/2012	Pasture	5.26	480	<ul style="list-style-type: none"> •Minimum allowable rent recommended by Staff after reviewing similar pasture permits. •At its meeting on 10/27/89, item F-11 the Board approved the public auction sale of a lease.
rp7816	AOAO OF MAUI HILL	(2) 3-9-004:140-0000	2/1/2013	Landscaping	0.916	528	<ul style="list-style-type: none"> •Rent carried over from cancelled RP5775, set by Board action on 12/7/90, item F-20, reviewed and left unchanged by Board action on 6/25/99, item D-11. •Permittee using only a portion of the parcel for landscaping, pedestrian path and maintenance.
rp7819	VELLINA, FELIX AND ROXANNE	(2) 3-1-4:92,95,97	3/1/2012	Intensive Ag	0.823	480	<ul style="list-style-type: none"> •Minimum allowable rent set by Board action on 12/9/11, item D-13. •Parcels are landlocked.

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EXHIBIT 2

REVOCABLE PERMIT MASTER LIST 2017

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Doc No.	Permittee Name	TMK	Lease From	Char of Use	Lsed Area	Annual Rent	Comments re rent amount and why no long-term disposition
rp7822	REDO, VALENTINE	(2) 1-1-004:006-0000	6/1/2012	Intensive Ag	1.53	480	<ul style="list-style-type: none"> •Rent determined by staff appraisal of similar dispositions with same character of use and comparable leased area on 1/27/12. •Staff to explore the possibility of selling a lease at public auction.
rp7823	GALE, CHARLES	(2) 1-4-012:003-0000	5/1/2012	Pasture	1.84	480	<ul style="list-style-type: none"> •Staff recommended minimum allowable rent after in-house valuation on 7/18/11 of Maui RPs of similar size. •Staff to explore the possibility of selling a lease at public auction.
rp7824	KAIWI, JULIA	(2) 3-1-4:46,56,59,61	7/1/2012	Agriculture	0.844	480	<ul style="list-style-type: none"> •Minimum allowable rent by Board action on 2/23/12, item D-5. •Infeasible to auction due to size and use of parcels.
rp7846	SCOTT, LURLYN	(2) 2-9-001:018-0000	12/1/2014	Intensive Ag	5	480	<ul style="list-style-type: none"> •Rent based on 6/7/11 in-house valuation of similar agricultural permits on Maui. •No access from public road.
rp7863	KAUPO COMMUNITY ASSOCIATION, INC.	(2) 1-7-002:015-0000	5/1/2015	Landscaping	2.214	480	<ul style="list-style-type: none"> •Minimum allowable rent based on staff's recommendation of permittee's non-profit status. •Staff to enter into a direct lease with permittee.

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EXHIBIT 2

REVOCABLE PERMIT MASTER LIST 2017

Note: Permits showing "0" annual rent may be gratis, or subject to a non-fixed rental amount, e.g. % of net revenue, amount per event, or amount per unit

consumed (some water permits)							
Doc No.	Permittee Name	TMK	Lease From	Char of Use	Lsed Area	Annual Rent	Comments re rent amount and why no long-term disposition
rp7864	COSTON, JOHN AND GLORIA	(2) 3-1-004:049-0000	7/1/2015	Agriculture	0.263	480	<ul style="list-style-type: none"> •Minimum allowable rent recommended by staff after reviewing similar agricultural permits. •Size of parcel and lack of interest make public auction of lease unfeasible.
rp7869	KELIIKOA, NOEL AND LINDA	(2) 5-8-003:023-0000	1/1/2016	Residential/Agricu	0.291	1,224.00	<ul style="list-style-type: none"> •Set by in-house recommendation on 4/17/15. •No other interest in the property.

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STATE OF HAWAII
OFFICE OF HAWAIIAN AFFAIRS
560 N. NIMITZ HWY., SUITE 200
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HRD16-7900

July 5, 2016

Richard T. Howard, Land Agent
Department of Land and Natural Resources, Land Division
Post Office Box 621
Honolulu, Hawai'i 96809

Re: OHA comments on "Annual Renewal of Revocable Permits for Maui"
Maui, Molokai, and Lāna'i Moku-puni

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NATURAL RESOURCES
STATE OF HAWAII

Aloha e Mr. Howard:

The Office of Hawaiian Affairs (OHA) received your draft staff submittal to the Board of Lands and Natural Resources (Land Board), dated June 16, 2016. The Department of Land and Natural Resources (DLNR) Land Division proposes to renew 86 month-to-month revocable permits (RPs) held on Maui County for a one-year period. Exhibit 2 of the draft submittal provides a list of the subject Maui County RPs.

As noted in the staff submittal, the subject action was prepared in response to the Land Board's directive on December 11, 2015, which requested staff to submit the RP renewals for each county over four meetings, with an explanation of why a revocable permit is the appropriate disposition and how the rent for each permit was set. In addition, DLNR Chairperson Suzanne Case convened the DLNR Revocable Permits Task Force to revisit and evaluate the existing protocols and criteria for RPs and to make recommendations for improvements to the RP system. At the time of this letter's writing, the DLNR Revocable Permits Task Force had presented its report and recommendations the prior week to the Land Board on June 24, 2016; however, the minutes for the June 24th meeting are not yet available.

As drafted, OHA has a number of concerns regarding the presentation of the Maui County revocable permit list and the process for renewal of these RPs, many of which our agency raised in the annual RP renewals for Kaua'i, O'ahu, and Hawai'i Islands, as well.

EXHIBIT " 3 "

Richard Howard, DLNR Land Agent

July 5, 2016

Page 2

First, we note that the renewal action covers all RPs in Maui County, rather than just "Maui" as provided for in the subject line of the transmittal memo. The agenda item should clearly reflect that the action covers Maui, Lānaʻi, and Molokai, as reflected in the draft submittal.

Second, the staff submittal does not set forth a clear action for the Land Board. The staff submittal presents the action as an "annual renewal" but it was released for interagency review in June, rather than near the usual timeframe for annual renewals at the end of the calendar year. The Recommendation section similarly requests that the Land Board "[a]pprove the continuation of the revocable permits in Exhibit 2 on a month-to-month basis for another one-year period through December 31, 2017." Such a timeframe would exceed the one-year maximum length allowed by Hawaiʻi Revised Statutes § 171-55, if this item were agendized before December.

Third, the staff submittal also appears premature given that the draft submittal was distributed prior to the presentation of the DLNR RP Task Force and action by the Land Board. Given our understanding of the action taken by the Land Board, we believe that the three staff submittals should be revised and re-released for interagency comment, with the additional requirements approved by the Land Board on June 24, 2016.

Fourth, a number of individual RPs note that the use of a parcel by a permittee assists DLNR with its maintenance of the parcel, presumably as a justification for a discounted rent for the associated parcel. While it would make sense that occupancy of a parcel is preferable to a vacancy, generally, this justification would appear applicable to most RPs and not be the basis for a reduced rent or short-term disposition by RP. For such RPs, we ask to see a discussion of specific maintenance or services provided by the permittee that benefit the state and a discussion of long-term plans for the parcel.

Finally, should the division choose to move forward with this submittal notwithstanding the release of a revised staff submittal for interagency review, we would ask that the Exhibit 2 master list of RPs be revised to include the following:

1. Page numbers and a sequential listing of RPs, which will facilitate discussions of the RPs by the Land Board members and public;
2. The trust land status of the subject parcel(s);
3. The date of the last affirmative review of the permit holder's compliance with the most recent permit terms;
4. A discussion of pending challenges to the land uses contemplated under each permit, if applicable;
5. The amount of water diverted, for those RPs involving water; and
6. Consistent comments across all RPs, particularly related to long-term disposition and a lack of outside interest. The inclusion of certain comments for some RPs but not others is confusing (i.e., has there been other interested parties for all RPs except those that state "No interest shown in parcels by public"?).

Richard Howard, DLNR Land Agent
July 5, 2016
Page 3

Mahalo for the opportunity to provide comments on the draft staff submittal for the Maui County RPs. We hope to review a revised submittal that incorporates the Land Board action on the RP Task Force report and recommendations. If you have any questions, please contact Everett Ohta, OHA Lead Compliance Specialist, at 594-0231 or everetto@oha.org.

'O wau iho nō me ka 'oia 'i'o,



Kamana'opono M. Crabbe, Ph.D.
Ka Pouhana, Chief Executive Officer

KC:eo

DAVID Y. IGE
GOVERNOR OF
HAWAII



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

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HAWAIIAN ISLAND RESERVE COMMISSION
LAND
STATE PARKS

REF: OCCL: AJR

COR: MA-16-262

JUL - 8 2016

MEMORANDUM

TO: Richard T. Howard, Land Agent
DLNR – Land Division

FROM: Samuel J. Lemmo, Administrator
DLNR – Office of Conservation and Coastal Lands

SUBJECT: **REVOCABLE PERMIT REVIEW – COUNTY OF MAUI**
Various Districts, Island of Maui
TMK: Various (listed in document)

Dear Mr. Howard,

The Office of Conservation and Coastal Lands (OCCL) is in receipt of your memo regarding a review of Revocable Permits located on State Lands on the Island of Maui. According to the list provided, there are a number of Tax Map Keys (TMK) (and therefore Revocable Permits (RP)) that are located within the State Land Use (SLU) Conservation District; all land uses within the SLU Conservation District are under the regulatory authority of this office.

This memorandum outlines only those RPs that are located within the SLU Conservation District, RPs located in the water, as well as any permits (or lack thereof) for each RP TMK that are listed in our database. Additionally, the list provided had one TMK parcel that could not be verified, that is also presented below.

MAUI

- **RP7608**; (2) 1-4-007:009; 10% Parcel in Limited Subzone – No Land Use Permits
- **RP7778**; (2) 1-7-003:032; 40% in General Subzone – No Land Use Permits
- **RP7581**; (2) 2-2-007:003; Resource Subzone – No Land Use Permits
- **RP6199**; (2) 2-2-007:009; General Subzone – CDUP: Ma-1990 & MA-3664, SPA: MA-99-05
- **RP7209**; (2) 2-2-007:014; Limited Subzone – CDUP: MA-3664
- **RP7208**; (2) 2-2-007:015; Limited Subzone – No Land Use Permits
- **RP7545**; (2) 2-9-001:020; 10% Limited Subzone – No Land Use Permits

EXHIBIT "4"

- **RP7540**; (2) 2-9-007:003; 50% Limited Subzone, 50% Ag District – No Land Use Permits
- **RP7842**; (2) 2-9-001:011; 20% Limited Subzone – No Land Use Permits
- **RP7571**; (2) 3-1-002:011; Limited Subzone – CDUP: MA-1267 & MA-3127
- **RP7534**; (2) 3-1-005:028; Resource Subzone – No Land Use Permits
- **RP5847**; (2) 3-1-006:001; Protective and Resource Subzones – CDUP: MA-2235, MA-1955 & MA-1282
- **RP7485**; (2) 3-1-006:003; Resource Subzone – SPA: MA-12-25
- **RP7553**; (2) 4-6-018:021; 95% Resource Subzone, 5% Ag District – No Land Use Permits
- **RP7524**; (2) 4-6-018:022; 40% Resource Subzone, 60% Ag District – No Land Use Permits

The OCCL would like to take this opportunity to remind those persons or entities that utilize parcels located within the SLU Conservation District that permittees/applicants are required to inform this office of any proposed land uses that may occur in the Conservation District.

Additionally, any of the RPs listed above with the label “No Land Use Permits” indicate that no record of any permit/authorization/approval was listed in our (OCCL) database for that specific TMK.

If you have any questions regarding this correspondence please contact Alex J. Roy, M.Sc. of our Office of Conservation and Coastal Lands staff at 808-587-0316 or via email at alex.j.roy@hawaii.gov

CC: *Chairperson*

DAVID Y. IGE
GOVERNOR OF HAWAII



SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE
MANAGEMENT

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

August 12, 2016

MEMORANDUM

TO: Samuel J. Lemmo, Administrator
Office of Conservation and Coastal Lands

THRU: Russell Tsuji, Administrator
Land Division

FROM: Richard Howard, Land Agent
Land Division

SUBJECT: Revocable Permit Review – County of Maui
Various Districts, Island of Maui
TMK: Various (listed in document)

We are in receipt of your memorandum dated July 8, 2016 regarding the above subject, and the following is our reply:

RP 7608: (2) 1-4-007:009; This parcel is zoned agricultural and conservation. In the submittal approved by the Board for the issuance of the permit, dated February 11, 2010, Item D-8, staff noted, "Mr. William F. Jacintho has indicated that he would like to exclude the portion of approximately 2.5 acres from parcel 009, situate on the seaward (Makai) side of Haneo Road due to his inability to properly fence and pasture any animals at that location. Historically, this area has provided access to the public for use of the very popular Koki Beach. Maui Land Division has determined that it would not be in the best interest of the applicant to fence in this portion of parcel 009 to exclude the public's use of the area. Therefore, it is better to issue a new permit for the areas as depicted in the attached topographical photo labeled Exhibit (B)." The excluded area is the portion of the parcel that is in the Conservation District.

RP 7778: (2) 1-7-003:032: At its meeting on October 24, 1975 agenda item F-11, the Board approved the sale of multiple leases on Maui and Molokai. GL S-4530 previously encumbered this parcel, with the term beginning 9/1/76 and ending 8/31/01. On August 10, 2001 agenda Item D-14

EXHIBIT "5"

the Board approved a one-year holdover and the issuance of a revocable permit. We could not find any record of a conservation permit in the lease or revocable permit files. Staff will seek board approval to renew the permit with the stipulation that permittee does not pasture cattle on the conservation-zoned land and will advise permittee of the need to install stock proof fencing along the conservation district boundary.

RP 7581: (2) 2-2-007:003; The parcel was encumbered by land licenses from 1901 to 1957 (GL S-533, GL S-542, GL S-1363 & GL S-2412). RP 2414 was issued effective 11/13/57, which was cancelled and reissued as RP 7581 on 4/1/10 in order to update the document's insurance language. We could not find any record of a conservation permit in the revocable permit file. Staff has sought an opinion from the AG's office as to whether the permittee needs to apply for water lease pursuant HRS 171-58. Staff recommends renewal subject to permittee conducting an EA and applying for a CDUP.

RP 7208: (2) 2-2-007:015; Letter dated November 8, 1989 from the Chairperson informing Robert J. Smolenski, attorney for King Broadcasting Company (King) that its Conservation District Use Application for a transmitter, building, antennas and related site improvements for television station KOGG at Haleakala, Maui was approved on October 27, 1989, subject to certain conditions (MA-2271). As a result of Raycom's purchase of King's assets, RP 6611 was cancelled and RP 7208 was issued. Staff recommends terminating permit due to non-use.

RP 7545: (2) 2-9-001:020; This parcel is zoned agricultural and conservation. In the submittal approved by the Board for the issuance of the permit immediately preceding the current one, dated March 8, 1985, agenda Item F-1, staff noted, "Portions of this parcel paralleling the coastline have been designated as Conservation District. The conservation zoned areas, however, will not be utilized by the applicants, therefore, a Conservation District Use Application is not applicable." MDLO staff to conduct and inspection to confirm non-use of conservation district areas.

RP 7540: (2) 2-9-007:003; This parcel is zoned agricultural and conservation. At its meeting on January 27, 1984, the Board approved the issuance of a revocable permit applicant (RP 6082). In the remarks section of the submittal staff noted, "Applicant plans to do some light grazing on the agricultural-zoned portions only. . . A Conservation District Use Permit covering this parcel has been deemed not necessary since the conservation-zoned lands will be kept in its natural state and no uses are planned thereon." MDLO staff to conduct an inspection to confirm non-use of conservation district areas.

RP 7842: (2) 2-9-001:011; RP 7842 encumbers this parcel, which is zoned agricultural and conservation. At its meeting on November 19, 2009, the Board approved the issuance of a revocable permit to applicant (RP 7621). In the remarks section of the submittal staff noted, "On Parcel 11 there is a fifty (50) foot wide strip of pali land (zoned as conservation) that runs along the coastline.

This area shall remain as open space. Mr. Souza Jr. has been informed that prior to making any improvements within this area, he will be required to obtain approval from the Office of Conservation and Coastal Lands.”

RP 7534: (2) 3-1-005:028; The applicant submitted a Conservation District Use Application for non-commercial agricultural use involving planting taro for family use on the subject Government land, Tax Map Key 3-1-05:28, in March of 1982. Subsequently, the Board approved this application at its meeting of August 13, 1982 under agenda Item H-1 subject to fifteen (15) conditions. At its meeting of February 11, 1983, the Board approved the applicant’s request to amend certain conditions of the approved Conservation District Use Application (MA-1436). At its meeting on April 8, 1983 under agenda Item F-1, the Board approved issuance of revocable permit (RP 6004).

RP 7553: (2) 4-6-018:021; RP 5015 was issued to Mr. Herbert Kinores effective 1/21/81 comprising land withdrawn from EOs 251 & 2311. Ernest Nunes took over Mr. Kinores’ cattle operation, and was issued RP 6585 effective 12/1/88, which was replaced by the current permit effective 2/1/10 to update the document’s insurance language. We could not find any record of a conservation permit in the revocable permit files. Staff to recommend renewal of the permit subject to permittee applying for CDUP.

RP 7524: (2) 4-6-018:022; RP 5015 was issued to Mr. Herbert Kinores effective 1/21/81 comprising land withdrawn from EOs 251 & 2311. Ernest Nunes took over Mr. Kinores’ cattle operation, and was subsequently issued RP 6464 effective 11/1/86, which was replaced by the current permit effective 4/1/10. We could not find any record of a conservation permit in the revocable permit files. Staff to recommend the renewal of the permit subject to permittee applying for CDUP.

Please do not hesitate to contact me at 587-0421 should you have any further questions regarding this matter.

cc: Chairperson
Daniel Ornellas
CPO

DAVID Y. IGE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

STATE HISTORIC PRESERVATION DIVISION
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KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

July 8, 2015

Mr. Richard T. Howard, Land Agent
Land Division
P.O. Box 621
Honolulu, Hawaii 96809

Log No. 2016.01468
Doc No. 1607GC04
Archaeology

Dear Mr. Howard:

**SUBJECT: Chapter 6E-8 Historic Preservation Review –
Annual Renewal of Revocable Permits for Maui – LD-RH
Island of Maui
TMK: Various TMKs within Maui**

Thank you for the opportunity to review and comment on the Department of Land and Natural Resources (DLNR), Land Divisions' *Annual Review of Revocable Permits for Maui*, which SHPD received on June 16, 2016. The submittal indicates that at the end of each calendar year, Land Division reviews its list of current revocable permits issued statewide and determines which ones to recommend to the Board of Land and Natural Resources (BLNR) for renewal for the upcoming year. The annual renewal of existing revocable permits on State Lands involves the continuation of existing uses on the lands. No change in use is authorized by the renewal. The list of revocable permits for renewal on the island Maui were identified in Exhibit 2.

Based on the information provided, the SHPD concurs with the following Land Division recommendations:

- Continuation of the revocable permits listed in Exhibit 2, on a month-to-month basis for another one-year period through December 31, 2017, except those identified by the Land Division for permits that are in arrears and/or have been identified by the BLNR for forfeiture; and
- Approval of no immediate change in current monthly rent for revocable permits listed in Exhibit 2, with the proviso that the BLNR reserves and delegates to the DLNR Chairperson the right at any time to review and reestablish new rental charges for revocable permits, to reflect market conditions or the fair market rental for the rights and privileges granted by such revocable permits and to best the interest of the State.

SHPD requests the opportunity to review any future permits involving ground disturbing activities for the Revocable Permits (RP) identified in Table 1. A review of SHPD records indicate that significant historic properties have been identified on these RP (identified by State Inventory of Historic Places [SIHP] Site #) and that potential exists for ground disturbing activities to adversely impact them and possible subsurface historic properties not yet identified. SHPD has no approving authority regarding Hawaii Revised Statutes (HRS) §343.

EXHIBIT "6"

Table 1. Documented Historic Properties within State Owned Lands

RP	TMK (2)	Historic Property Description	SIHP Site #	Ahupua'a	Moku
7781	1-1-003:064	KaAnae Pennisula Taro Complex Lalaloa Heiau Kukui O Lono Heiau	3933 0083 0082	Keanae	Ko'olau
7568	1-1-003:092	KaAnae Pennisula Taro Complex Pa Kanaloa Heiau	3933 0084	Keanae	Ko'olau
7796	1-1-003:033, 043, 044	KaAnae Pennisula Taro Complex Lalaloa Heiau Kukui O Lono Heiau	3933 0083 0082	Keanae	Ko'olau
7529	1-1-004:013, 030	Wailuanui East Taro Complex	3935	Keanae	Ko'olau
7558	1-1-004:028' 1-1-005:052	Wailuanui East Taro Complex	3935	Keanae	Ko'olau
7755	1-1-006:041, 043	Wailuanui East Taro Complex	3935	Keanae	Ko'olau
7513	1-1-006:038	Wailuanui East Taro Complex	3935	Keanae	Ko'olau
7608	1-4-007:009, 017	Borders: Hana Ag Complex Haneo'o Complex Heiau Hamoia Complex Hinaehi Heiau Ka Iwi O Pele Complex	2783 1483 1484 0120 0573	Haneo'o	Hana
6199	2-2-007:009	Shelter along Cliff Face Enclosure	2805 0206	Papa'anui Papa'anui	Honua'ula Honua'ula
7746	2-9-003:008	Hamakua Burial Complex	2922	Honopou	Hamakualoa
4450	3-1-001:001	Kukuipuka Heiau	2919	Kahakuloa	Ka'anapali
7493	3-1-001:004	Kukuipuka Heiau	2919	Kahakuloa	Ka'anapali
6121	3-1-004:005	Kahakuloa Historic District	0152	Kahakuloa	Ka'anapali
5171	3-1-004:029	Kahakuloa Historic District	0152	Kahakuloa	Ka'anapali
7864	3-1-004:049	Kahakuloa Historic District	0152	Kahakuloa	Ka'anapali
6648	3-1-004:101, 104, 106	Kahakuloa Historic District	0152	Kahakuloa	Ka'anapali
7824	3-1-004:046, 056,059, 061	Kahakuloa Historic District	0152	Kahakuloa	Ka'anapali
5900	3-9-004:140	Keawekapu Habitation Complex	2901	Kama'ole	Kula
7816	3-9-004:146	Keawekapu Midden Scatter	2902		
7686	3-9-004:149				
7780					
7783	4-5-001:009	Lahaina Historic District	3001	Paunau	Lahaina
7484	4-5-001:053	Lahaina Historic District	3001	Paunau	Lahaina

Please contact Susan A. Lebo, Archaeology Branch Chief, at (808) 692-8019 or at Susan.A.Lebo@hawaii.gov for any questions or concerns regarding this letter.

Aloha,



Alan S. Downer, PhD
 Administrator, State Historic Preservation Division
 Deputy State Historic Preservation Officer

DAVID Y. IGE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
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KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

July 1, 2016

TO: DAVID G. SMITH
Administrator

FROM: J. SCOTT FRETZ 
Maui Branch Manager

Subject: Annual renewal of revocable permits for Maui

Thank you for the opportunity to comment of the subject permits. Maui district has reviewed the list and provides the following comments. For additional information please call me at 984-8107.

1. General comment: We did not see any request for RPs to A&B or EMI for water use on lands in East Maui, Koolau Forest Reserve, Hanawi NAR, and Hana FR. We are interested to know the status of those and would like the opportunity to comment on those before they go to the board.
2. Comments on specific RPs on the list:
 - a. RP 7220: (2)1-3-004:015 – We are not sure why this shows RP to State Agency. This parcel was formerly RP'd to DOFAW but is being used by the Maui Invasive Species Committee for satellite 'Hana' baseyard operations. It is our understanding that the paperwork and board approval have already been completed and set up with Maui Invasive Species Committee. If this RP is to MISC or UH for MISC purposes we are in support and have no further comments.
 - b. RP 7537: (2)1-8-001:005 – This parcel is makai of, and adjacent to, the Na Kula NAR and Kahikinui FR and a public hunting area. It has resource management value for native species or public hunting. We have contacted Haleakala Ranch to discuss with them whether this parcel may better serve the public interest by set aside to DOFAW.
 - c. RP 7562: (2)2-4-016:001 – This parcel is adjacent to the Makawao FR public hunting area. It has resource management value for native species or public

EXHIBIT "2"

hunting. We have contacted Haleakala Ranch to discuss with them whether this parcel may better serve the public interest by set aside to DOFAW.

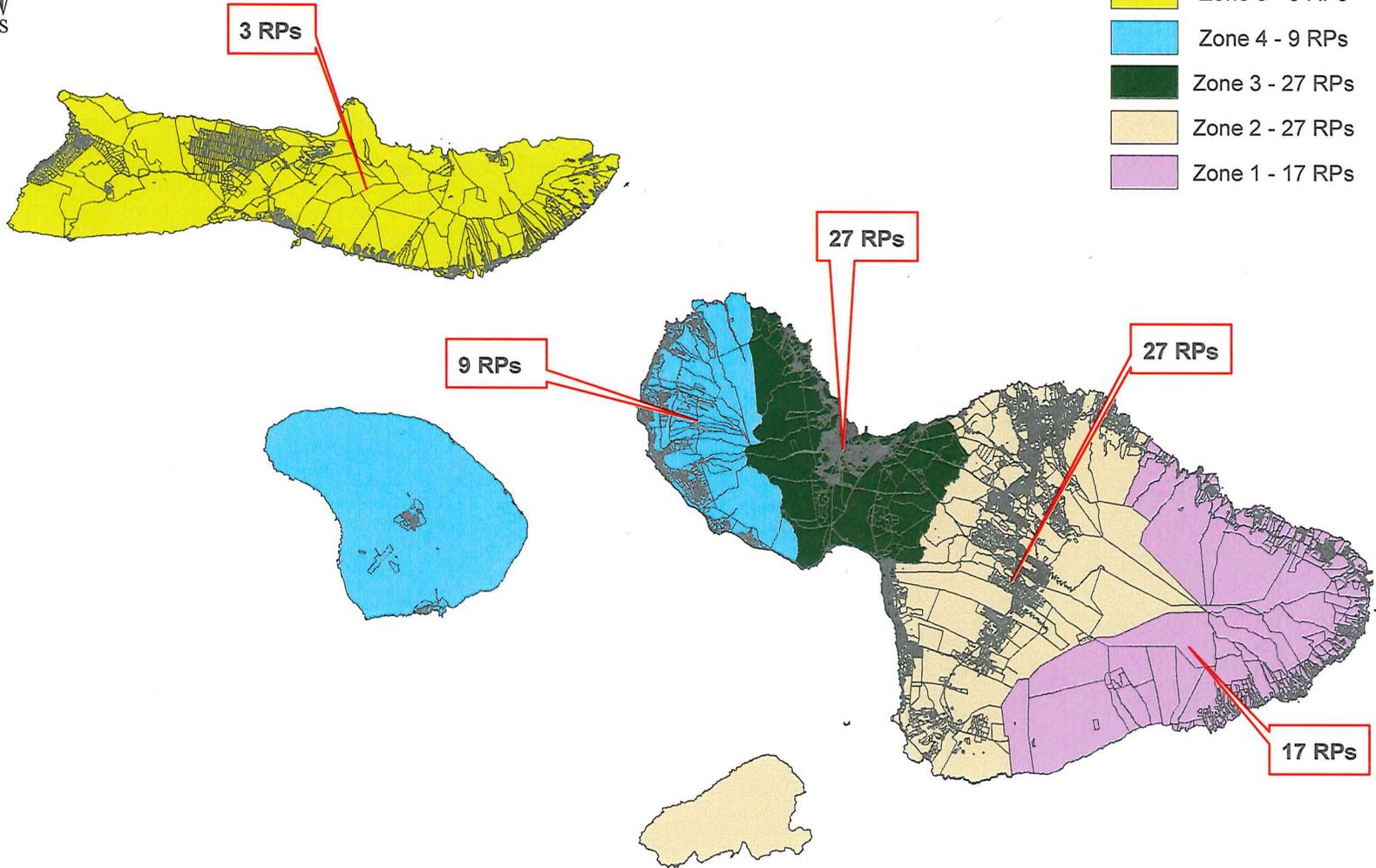
- d. RP 7571: (2)3-1-002:011 – Parcel is designated as Maui Coastal Critical Habitat Unit 10 for several listed plant species and contains active seabird nesting habitat. This parcel should be surveyed for biological resources and assessed for its potential to serve as a plant or wildlife sanctuary to assist efforts to recover endangered species. Listed plant species present on this parcel, or for which this parcel may serve as recovery habitat, include *Sesbania tomentosa*, *Schenkia sebaeoides*, and *Brighamia rockii*.
- e. RP 5847: (2)3-1-006:001-0000 – This TMK # refers to portions of the West Maui Forest Reserve. DOFAW would like additional information on exactly what uses are being proposed within the FR under this RP.
- f. RP7485: (2)3-1-006:003 – Pasture parcel adjacent and makai of West Maui FR and NAR – Makamakaole section. This parcel is important for access to critical operations in those reserves, including ongoing maintenance of a predator-proof seabird enclosure. Current agreements for use and access with the permit holder, Mr. Nobriga, are effective and cooperative. DOFAW supports annual RP to Mr. Nobriga but would have concerns about access if other dispositions were to be considered for this parcel. County TMK records show this parcel as West Maui FR, does LD have any record of this land being EO'd as a FR?
- g. RP 7639: (2)4-8-003:008 – This is a 634 acre parcel that was EO'd to DOFAW for Game Management Area purposes some time ago. We are not sure what 1.1 acres is being referred to on this RP list.

Maui - Revocable Permits



Legend

- Zone 5 - 3 RPs
- Zone 4 - 9 RPs
- Zone 3 - 27 RPs
- Zone 2 - 27 RPs
- Zone 1 - 17 RPs



For reference only