

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

October 14, 2016

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

KAUAI

Set Aside of Various Properties Encumbered by Leases and Revocable Permits to  
the Department of Agriculture for Agriculture Purposes, Island of Kauai.

BACKGROUND:

The Legislature in 2003 found that certain public lands classified for agricultural use by the Department of Land and Natural Resources (DLNR) should be transferred and managed by the Department of Agriculture (DOA) for the development of farms on as widespread a basis as possible which is established by Article XI, Section 10 of the State Constitution. This resulted in the passing and signing of Act 90, Session Laws of Hawaii 2003. Later, Act 235, Session Laws of Hawaii 2005 passed establishing a non-agricultural park lands special fund at DOA for the collection of lease rents, fees, penalties, and any other revenue or funds collected from non-agricultural park lands that are transferred, or in the process of being transferred from DLNR to DOA.

The Land Board at its December 9, 2005 meeting, under agenda item D-1, approved staff's recommendation subject to the Board of Agriculture approval, recommend to the Governor the issuance of a set aside to Department of Agriculture for agricultural purposes various properties managed by Land Division.

REMARKS:

The subject properties have been used for agricultural and pasture purposes via dispositions by lease or revocable permits. The Department has been working with the Department of Agriculture (DOA) in order to expedite additional transfers, in keeping with the Governor's initiative for the development of sustainable local agricultural production. The set aside of the properties to DOA will allow the properties to be managed more consistently with that initiative. A list of properties proposed to be set aside to DOA is attached as **Exhibit A**<sup>1</sup>. Therefore, staff recommends that the properties

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<sup>1</sup> Exhibit A represents the list of properties at time of this writing, and may be subject to modification at the time of the Board hearing.

listed in Exhibit A be set aside to DOA for continued agriculture and pasture purposes pursuant to the policy in Act 90, SLH 2003.

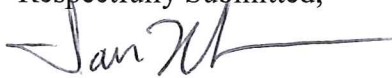
In accordance with Hawaii Administrative Rules Section 11-200-8 and the Exemption List for the Department of Land and Natural Resources approved by the Environmental Council and dated June 5, 2015, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 1, Item 43 that states "Transfer of management authority over state-owned land, such as setting aside of state lands to or from other government agencies through a Governor's executive order." (See **Exhibit B**)

The optimal use for these properties will be for continuing agriculture purposes. Staff did not solicit comments from other agencies as the request is for housekeeping purposes only. There are no pertinent issues or concerns and staff does not have any objection to the request.

RECOMMENDATION: That the Board:

1. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Chapter 11-200, HAR, this project will probably have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment.
2. Approve of and recommend to the Governor the issuance of an executive order setting aside the subject lands to Department of Agriculture under the terms and conditions cited above, which are by this reference incorporated herein and subject further to the following:
  - A. The standard terms and conditions of the most current executive order form, as may be amended from time to time;
  - B. Disapproval by the Legislature by two-thirds vote of either the House of Representatives or the Senate or by a majority vote by both in any regular or special session next following the date of the setting aside;
  - C. Review and approval by the Department of the Attorney General; and
  - D. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,



Ian Hirokawa  
Special Projects Coordinator

APPROVED FOR SUBMITTAL:



Suzanne D. Case, Chairperson

## Properties Proposed for Set Aside to Department of Agriculture- Kauai

Doc No.	Lessee Name	TMK	Lease From	Lease To	Char of Use	Lsed Area (	Annual Rent
gl3993	MATSUMURA, RONALD	(4) 4-6-005:009	7/14/1966	7/13/2016	Ag-Residence	3	3,000.00
gl4392	HASHIMOTO, LOIS N., CLYDE T.	(4) 1-9-001:011	12/20/1973	5/25/2031	Ag-Residence	4.08	1,450.00
gl4938	NONAKA, DEAN H. & NICOL U.	(4) 1-9-001:003,014	1/13/1985	3/26/2021	Ag & Pasture	4.95	500
gl5322	PIGAO, WILBERT L. & MELODY A.	(4) 4-5-015:008	6/30/1993	6/29/2028	Ag & Pasture	10.426	3,700.00
gl5381	BRUN, TONY T.	(4) 2-8-022:006,011	1/1/1995	12/31/2030	Pasture	66.1	10,970.00
gl5563	SICO, STEPHEN	(4) 4-6-008:001	12/2/1998	12/1/2033	Ag & Pasture	21.4	4,480.00
gl5659	SANCHEZ, SR., WILLIAM J.	(4) 4-1-002:012 & 018	8/29/2002	8/28/2022	Pasture	8.43	107.00
rp5983	SYNGENTA SEEDS, INC.	(4) 1-2-002:040	1/1/1983		Agriculture	43.6	8,880.00
rp7045	NAGAMINE, SHOICHI	(4) 1-9-003:006	8/31/1995		Ag-Residence	7.826	1,380.00
rp7218	HURLEY, A. MAILE F.	(4) 4-1-009:005, 006	5/26/2000		Ag & Pasture	10.444	1,152.00
rp7259	SANTOS, FRANK & ABIGAIL	(4) 1-9-007:005,007, 028, 029, 030	5/1/2001		Agriculture	16.09	8,076.00
rp7317	CHU, HELEN B.H.	(4) 1-9-002:019	3/27/2002		Intensive Ag	1.14	264
rp7321	NONAKA, SCOT J. & SHARI T.	(4) 1-9-012:011	11/15/1999		Intensive Ag	0.95	570
rp7695	KAONA, CLARENCE E.	(4) 5-5-006:005	4/1/2012		Agriculture	0.4	156
rp7738	THRONAS, TRUSTEE, MARY	(4) 4-1-001:007	9/1/2011		Ag & Pasture	19.98	1,548.00
rp7771	TAKATSUKI, THOMAS T. & DENNIS T.	(4) 4-1-001:012	9/1/2011		Intensive Ag	6.13	672
rp7794	MISSION, FRANCIS P. AND LAURA	(4) 1-9-003:010	9/1/2011		Intensive Ag	4.037	828

EXHIBIT "A"

**EXEMPTION NOTIFICATION**

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

Project Title: Set Aside of Various Properties to Department of Agriculture (“DOA”)

Project Location: Various, Island of Kauai

Project Description: Set Aside to DOA of various properties encumbered by lease and revocable permit for agricultural and pasture purposes.

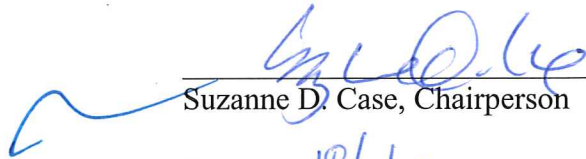
Chap. 343 Trigger(s): Use of State Land

Exemption Class No.: In accordance with Hawaii Administrative Rule Section 11-200-8 and the Exemption List for the Department of Land and Natural Resources concurred with by the Environmental Council and dated June 5, 2015, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 1, Item 43, which states the “Transfer of management authority over state-owned land, such as setting aside of state lands to or from other government agencies through a Governor’s executive order”.

Setting aside of the properties will allow for the DOA to manage the land for agricultural purposes, effectively no change from the current use.

Consulted Parties: Department of Agriculture

Recommendation: It is recommended that the Board find that 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.

  
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Suzanne D. Case, Chairperson

Date: 10/6/16

**EXHIBIT "B"**