

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

December 9, 2016

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

Ref: 16OD-159

OAHU

Amend Prior Board Action of November 10, 2016, Item D-13; Set Aside of Various Properties on Island of Oahu to the Department of Agriculture for Agriculture Purposes Pursuant to Act 90, SLH 2003. See Exhibit A for List of Properties.

The Amendment is to Add State Parcels (1) 4-1-008:054 and 059 for the Proposed Set Aside.

BACKGROUND:

On November 10, 2016, under agenda item D-13, the Board approved as amended the subject request by deleting GL S-5488, S-5489, and RP S-7717 from the list of properties proposed to be set aside to the Department of Agriculture (DOA) pursuant to Act 90, SLH 2003. A copy of the approved submittal is attached as **Exhibit 1**.

Due to inquiry raised by the Division of Forestry and Wildlife (DOFAW) on the potential use of the parcels withdrawn for DOFAW's programs, staff understood that further discussion with DOFAW would be necessary. Therefore, staff made the recommendation to withdraw at the Board meeting.

For GL S-5488 and S-5489 – TMK (1) 4-1-008:054 and 059 (map at **Exhibit 2**)  
Following the discussion between DOFAW and the Land Division regarding GL S-5488 and S-5489<sup>1</sup>, staff brings the subject request seeking approval from the Board.

Due to the proximity of these two parcels to the Waimanalo Forest Reserve at the back, DOFAW wants to reserve an access easement over the parcels. According to DOFAW, the easement is intended for a bike path as part of the network of bike paths contemplated in this general area. DOFAW will coordinate with the tenant and DOA in deciding the final alignment of the easement. Under the present circumstances, staff recommends the Board amend its prior Board action by including TMK (1) 4-1-008:054 and 059 in the proposed set aside to DOA, with the understanding that request for an easement to DOFAW as described above will be considered by the Board when more information is

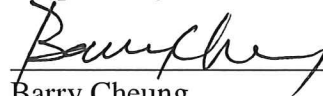
<sup>1</sup> Both LD and DOFAW agree that RP 7717 is withdrawn from the proposed set aside.

available.<sup>2</sup>


RECOMMENDATION: That the Board

1. Amend its prior action of November 10, 2016, under agenda item D-13 by including TMK (1) 4-1-008:054 and 059 under the terms and conditions as described above in the requested set aside; and
2. All other terms and conditions of the November 10, 2016 approval shall remain in full force and effect.

Respectfully Submitted,

  
Barry Cheung  
District Land Agent

APPROVED FOR SUBMITTAL:

  
Suzanne D. Case, Chairperson

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<sup>2</sup> Staff does not include a recommendation to reserve an easement to DOFAW in this request. This follows the precedent case when an executive order was processed to the City for a homeless housing development, the Department of the Attorney General rejected the reservation of an easement for a commercial antenna tower (which is still in due diligence period) over the set aside area.

**AMENDED**

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

November 10, 2016

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

*as amended*  
APPROVED BY THE BOARD OF  
LAND AND NATURAL RESOURCES  
AT ITS MEETING HELD ON  
November 10, 2016 10 <sup>D-13</sup>

OAHU

Set Aside of Various Properties on Island of Oahu to the Department of Agriculture for Agriculture Purposes Pursuant to Act 90, SLH 2003. See Exhibit A for List of Properties.

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 a widespread 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, to recommend to the Governor the issuance of a set aside to Department of Agriculture for agricultural purposes various properties managed by Land Division. Properties covered in the 2005 approval also included some parcels formerly used for agriculture purposes, but vacant as of 2005.

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. Therefore, staff recommends that the properties listed in **Exhibit A** be set aside to DOA for agriculture 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

**EXHIBIT "A"**

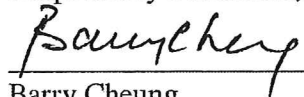
Council and dated June 5, 2015, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 1, Item 43 that states "Transfer of management authority over state-owned land, such as setting aside of state lands to or from other government agencies through 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:

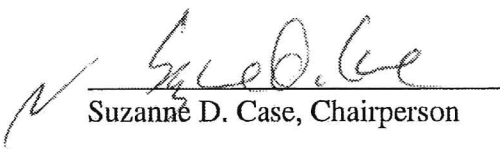
1. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Chapter 11-200, HAR, this project will probably have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment.
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,



Barry Cheung  
District Land Agent

APPROVED FOR SUBMITTAL:



Suzanné D. Case, Chairperson

Land Board Meeting: November 10, 2016;  
D-13: Approved as amended.

Approved as amended. See attached page.

Land Board Meeting: November 10, 2016; D-13: Approved as amended.

**Approved as amended. The Board amended the submittal by deleting General Lease Nos. S-5488, S-5489 and Revocable Permit S-7717 from the list of properties set forth in Exhibit A.**

Properties Proposed for Set aside to the Department of Agriculture - Oahu

Doc No.	Lessee Name	TMK	Zoning	From	To	Char of Use	Acres	Rent p.a.	Note
gl4008	CHONG TRUST, WALTER & EVELYN	(1) 4-1-027:014-0000	Ag-1	9/12/1966	3/11/2022	Ag & Pasture	20.395	12,900.00	X
gl4297	RAMIREZ, MIGUEL A. AND VALERIE S.	(1) 4-1-010:004-0000	Ag-1	3/12/1970	3/11/2030	Ag & Pasture	14.054	31,480.00	X
gl4298	LIEW, WALTER AND ANN	(1) 4-1-010:003-0000	Ag-1	3/12/1970	9/11/2013	Ag & Pasture	15.587	21,800.00	X
gl5309	MEDEIROS, CLARENCE T.	(1) 4-1-013:017-0000	Ag-2	11/1/1993	10/31/2028	Ag & Pasture	4.134	13,200.00	
gl5313	TAVARES, JR., JOSEPH	(1) 4-1-027:005-0000	Ag-2	6/30/1993	6/29/2028	Ag & Pasture	1.146	4,200.00	X
gl5353	BERG, TRUSTEE, JEFFREY JOHN	(1) 4-1-008:076-0000	Ag-2	1/1/1994	12/31/2028	Ag & Pasture	1.000	3,600.00	
gl5378	DECOITE, JULIAN & JOSEPH	(1) 4-1-025:055-0000	Ag-2	1/1/1995	12/31/2030	Pasture	2.847	4,400.00	
gl5380	AKI, THOMAS G.	(1) 4-1-009:266-0000	Ag-1	1/1/1995	12/31/2030	Pasture	31.170	2,120.00	
gl5488	NEW TOWN & COUNTRY STABLES INC	(1) 4-1-008:059-0000	Ag-2	5/1/1996	4/30/2031	Pasture	21.628	12,600.00	
gl5489	NEW TOWN & COUNTRY STABLES INC	(1) 4-1-008:054-0000	Ag-2	5/1/1996	4/30/2031	Pasture	10.739	1,089.00	
gl5491	SUNADA, RANDY	(1) 4-1-008:046-0000	Ag-1	5/1/1996	4/30/2031	Pasture	5.055	156.00	
gl5493	YAMADA, GAVIN T. & JANICE G.M.	(1) 4-1-018:052-0000	Country	6/15/1996	6/14/2031	Diversified Ag	2.740	8,700.00	
gl5499	NG, CLAYTON K.T.	(1) 4-1-008:045-0000	Ag-1 & Ag-2	6/30/1996	6/29/2031	Pasture	4.480	156.00	
gl5620	ARUDA, HEINE & GLADYS	(1) 4-1-013:032-0000	Ag-2	6/30/2001	6/29/2036	Pasture	16.020	11,500.00	
gl5708	LANDSCAPE HAWAII INC.	(1) 4-1-027:016-0000	Ag-1	4/1/2006	3/31/2036	Intensive Ag	19.961	36,500.00	X
rp5762	LIMA, SAMUEL & CATHERINE	(1) 8-5-4:34,43,44	Ag-2	5/15/1980		Pasture	1.247	156.00	
rp7242	LULUKU BANANA GROWERS COOP	(1) 4-2-010:001-0000	Conservation	9/1/2000		Agriculture	190.000	6,336.00	
rp7469	MCCONNELL, CHERYL	(1) 4-1-013:022-0000	Ag-2	11/1/2009		Pasture	6.860	1,692.00	
rp7478	DE MAURO, JOSEPH	(1) 9-4-010:100-0000	R-7.5	1/1/2010		Agriculture	0.413	156.00	
rp7713	HARDINGER, DALE & CARLA	(1) 4-1-018:049-0000	Country	7/1/2011		Pasture	0.800	156.00	
rp7714	FUKUSHIMA, RALPH	(1) 4-1-013:011-0000	Conservation	7/1/2011		Pasture	56.350	5,280.00	
rp7717	RAPOZA, GEORGE, JUNE, WESLEY & DESIREE	(1) 6-8-002:017-0000	Ag-2	8/1/2011		Pasture	32.050	156.00	
rp7825	UNGA, ANITILOSE AND MELIAME	(1) 5-8-001:038-0000	Ag-1	8/1/2012		Agriculture	2.164	480.00	
rp7889	YAMADA, KAZUTO	(1) 4-1-8:71, 72 por.	Ag-1	7/1/2016		Agriculture	14.387	1,296.00	
						<b>Sub-Total</b>	<b>475.227</b>		
	Unencumbered	(1) 4-1-027:020-0000	Ag-1				19.481		X
	Unencumbered	(1) 4-1-027:023 & 024	Ag-1				34.538		X
	Unencumbered	(1) 8-5-001:033-0000	Conservation and Ag-2				114.800		X
						<b>Sub-Total</b>	<b>168.819</b>		
						<b>Grand Total</b>	<b>644.046</b>		

Note: "X" denotes the case was covered in the December 9, 2005 Board approval.

**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 on Oahu to Department of Agriculture (DOA).

Project / Reference No.: Not applicable

Project Location: Various properties on Oahu. See Exhibit A.

Project Description: Set aside to DOA of various properties for agricultural and pasture purposes.

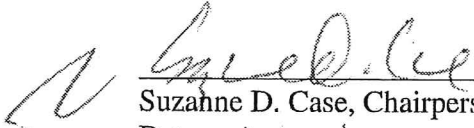
Chap. 343 Trigger(s): Use of State Land

Exemption Class No.: In accordance with Hawaii Administrative Rules 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".

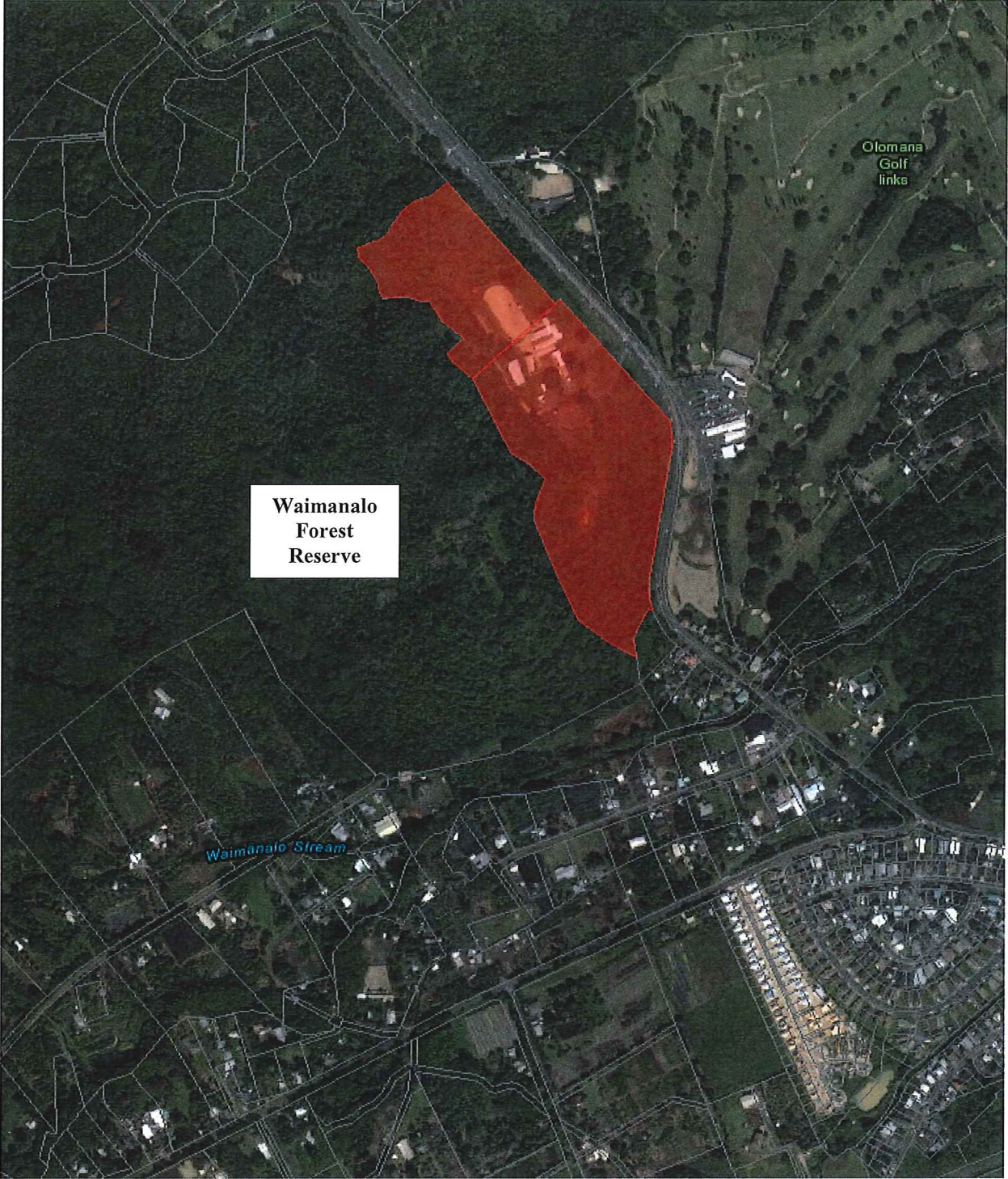
Setting aside of the properties will allow for the DOA to manage the lands for agricultural and pasture purposes, effectively no change from the current use.

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.

  
Suzanne D. Case, Chairperson  
Date 10/27/16

**EXHIBIT B**



**TMK (1) 4-1-008:054 and 059**

**EXHIBIT 2**