

STATE OF MAUI  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
Land Division  
Honolulu, Maui 96813

October 12, 2018

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

Maui

Annual Renewal of Revocable Permits for the County of Maui, 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 (Board) 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 these directives, staff is submitting the Maui revocable permits, including the additional information the Board requested.

REMARKS:

The list of revocable permits for Maui that staff recommends be renewed for 2019 is attached as Exhibit 2. Included in the exhibit are the revocable permit number, permittee names, tax map keys, land trust status, 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.

At its meeting on October 13, 2017 agenda item D-4, the Board approved interim rents for the annual renewal of the revocable permits for Maui County for calendar year 2018.

Staff procured a contract with James Hallstrom of The Hallstrom Group/CBRE, Inc. (Appraiser) for appraisal services to assist in valuing the rent to charge for the use of State lands underlying revocable permits statewide as of January 1, 2018, and ground rent discounts for tenancy and use restriction, if any, for 15 of the 74 Maui County revocable permits. The Portfolio Appraisal Report (PAR) was completed on May 9, 2018.

The Appraiser recommends increasing 2019's rents by 2-3%, depending upon demand for the properties, over those indicated in the PAR. Staff recommends setting the 2019 Maui County revocable permit annual rents by the following categories (see Exhibit 2 for further details):

- Category A: Revocable permits (RPs) valued by the PAR indicating an increase in the annual rent. Staff recommends increasing the 2018 Indicated Annual Market Rent by 10% for 2019.
- Category B: RPs valued by the PAR indicating a decrease in the annual rent. Staff recommends increasing the annual rent by 3% over the PAR's Indicated Annual Market Rent.
- Category C: RPs not valued by the PAR: Staff recommends increasing the 2019 annual rent by 3% over 2018's annual rent.
- Category D: RPs where the PAR's Indicated Annual Market Rent increased by less than 10% over 2018's annual rent. Staff recommends a 3% increase.
- Category E: For special cases, regardless of whether included in the PAR or otherwise. Staff's recommendations for this category are discussed further in Exhibit 2.

With respect to the revocable permits in Category A, the Indicated Annual Market Rents from the PAR increased from a low of 14% to a high of 169%. Staff feels that immediately implementing these rents would cause some permittees to cancel their permits, resulting not only in the loss of revenue, but also forcing the Division to expend resources to maintain these lands. Staff views the 10% annual increases for these permits as a means for the Division to achieve rents closer to market over a short period of time, without causing a major disruption to the occupancy of and revenue generated from these lands.

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 4
Office of Conservation and Coastal Lands	See Exhibit 5
State Parks	No response by suspense date
Historic Preservation	No response by suspense date
Engineering	No comments
Maui District Land Office	Comments incorporated into Exhibit 2
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
Department of Agriculture	No comments
Agribusiness Development Corporation	No response by suspense date
Office of Hawaiian Affairs	See Exhibit 6
COM Planning Department	See Exhibit 7
COM Department of Public Works	No comments
COM Department of Environmental Mgmt.	No response by suspense date
COM Department of Water Supply	No response by suspense date

Since the last renewal of the Maui revocable permits on October 13, 2017, the following permits have been cancelled:

RP#	Permittee	Area	TMK	Monthly Rent	Cancelled on	Use	Remarks
rp 7823	Gale, Charles	1.84 acres	(2) 1-4-012:033-0000	\$43.65	4/1/2018	Pasture	Voluntarily cancelled

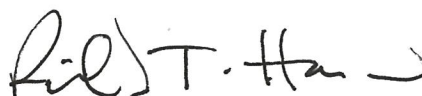
RECOMMENDATION: That the Board:

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 the continuation of the revocable permits listed in Exhibit 2 on a month-to-month basis for another one-year period through December 31, 2019, 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
3. Approve no immediate change in current monthly rent for revocable permits as



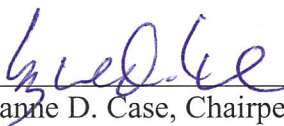
listed in Exhibit 2, provided however, that the Land Board reserves and Delegates to the Chairperson the right authority at any time to review and implement new rental charges for the revocable permits listed in Exhibit 2, effective any time from and after January 1, 2019.

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 Island of Maui.

Project / Reference No.: Not applicable

Project Location: Various locations on the Island of Maui

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.

Cumulative Impact of Planned Successive Actions in Same Place Significant? No, the requested locations have been used for same uses since the permits were granted.

Action May Have Significant Impact on Particularly Sensitive Environment? No.

Analysis: The request pertains to renewing the revocable permits for Maui. Staff believes that the request would involve negligible or no expansion or change in use of the subject location beyond that previously existing.

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.

## EXHIBIT 1

REVOCABLE PERMIT MASTER LIST 2018

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

Doc No.	Type	Permittee Name	TMK	Land Trust Status	Permit From	Char of Use	Permit Area	2018 Annual Rent	2019 Proposed Rent	Indicated Annual Market Rent	Comments re rent amount and why no long-term disposition
		<b>MAUI COUNTY</b>									
rp4450	C	TEXEIRA, JOSEPH	(2) 3-1-001:001-0000	5(b)	12/12/1969	Under-ground pipeline easement	0	433.08	446.07		<ul style="list-style-type: none"> <li>•2018 rent was increased 1.5% over the previous year. Staff recommends increasing 2019's rent by 3% over 2018's.</li> <li>•The applicant has completed the survey for the entire easement. Staff should be able to bring a submittal to the Board to grant the easement by the end of the calendar year. Staff is will explore setting aside the 194 acre parcel to DOFAW (see Exhibit 4)..</li> </ul>
rp5171	C	HOOPII, RICHARD	(2) 3-1-004:029-0000	5(b)	10/1/1975	Cultivation of taro, bananas and potatoes	0.13	201.12	207.15		<ul style="list-style-type: none"> <li>•2018 rent was increased 1.5% over the previous year. Staff recommends increasing 2019's rent by 3% over 2018's.</li> <li>•The parcel is a Board approved transfer to DOA per Act 90.</li> </ul>

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Doc No.	Type	Permittee Name	TMK	Land Trust Status	Permit From	Char of Use	Permit Area	2018 Annual Rent	2019 Proposed Rent	Indicated Annual Market Rent	Comments re rent amount and why no long-term disposition
rp5405	B	MANA KAI APT OWNERS ASSN.	(2) 3-9-004:001-0000	5(b)	5/27/1977	Landscaping and maintenance	0.298	1,562.28	1,318.40	1,280.00	<ul style="list-style-type: none"> <li>•2018 rent was increased 1.5% over the previous year. Staff recommends increasing 2019's rent by 3% over the Indicated Annual Market Rent.</li> <li>•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.</li> </ul>



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rp5710	C	WAIAKOA HOMEOWNERS ASSOCIATION	(2) 2-2-009:070-0000	5(b)	8/1/1979	Right, privilege and authority to construct, reconstruct use and maintain easement areas for water tank and pipeline	0	201.12	207.15		<ul style="list-style-type: none"> <li>•2018 rent was increased 1.5% over the previous year. Staff recommends increasing 2019's rent by 3% over 2018's.</li> <li>•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.</li> </ul>

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Doc No.	Type	Permittee Name	TMK	Land Trust Status	Permit From	Char of Use	Permit Area	2018 Annual Rent	2019 Proposed Rent	Indicated Annual Market Rent	Comments re rent amount and why no long-term disposition
rp5834	A	HALE PAU HANA HOMEOWNERS ASSN.	(2) 3-9-005:001-0000	5(b)	3/1/1980	Construction of a rubble rock revetment	0.103	3,573.24	3,930.56	4,320.00	<ul style="list-style-type: none"> <li>•2018 rent was increased 1.5% over the previous year. Staff recommends increasing 2019's rent by 10% over 2018's, notwithstanding the Indicated Annual Market Rent.</li> <li>•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. MDLO to follow up.</li> </ul>

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Doc No.	Type	Permittee Name	TMK	Land Trust Status	Permit From	Char of Use	Permit Area	2018 Annual Rent	2019 Proposed Rent	Indicated Annual Market Rent	Comments re rent amount and why no long-term disposition
rp5835	E	HALE PAU HANA HOMEOWNERS ASSN.	(2) 3-9-005:001-0000	5(b)	5/10/1980	Landscaping, maintenance and two stairways	0.555	448.56	493.42		<ul style="list-style-type: none"> <li>•2018 rent was increased 1.5% over the previous year. Staff recommends using the Indicated Annual Market Rent for rp5405 (\$1,280/yr. for .298 Ac) as a benchmark and increasing 2019's rent by 10%.</li> <li>•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. MDLO to follow up.</li> </ul>



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Doc No.	Type	Permittee Name	TMK	Land Trust Status	Permit From	Char of Use	Permit Area	2018 Annual Rent	2019 Proposed Rent	Indicated Annual Market Rent	Comments re rent amount and why no long-term disposition
rp5847	C	TEXEIRA ET AL, JOSEPH R.	(2) 3-1-006:001-0000	5(b)	6/1/1975	Water tank site and pipeline	0.147	203.52	209.63		<ul style="list-style-type: none"> <li>•2018 rent was increased 1.5% over the previous year. Staff recommends increasing 2019's rent by 3% over 2018's.</li> <li>•The permittee is deceased. MDLO working with permittee's granddaughter to convert rp to an easement. The survey is partially complete.</li> </ul>
rp5900	E	KEAWAKAPU HOMEOWNERS ASSN.	(2) 3-9-004:140-0000	5(b)	6/1/1980	Landscaping	0.338	201.12	221.23		<ul style="list-style-type: none"> <li>•2018 rent was increased 1.5% over the previous year. Staff recommends using the Indicated Annual Market Rent for rp5405 (\$1,280/yr. for .298 Ac) as a benchmark and increasing 2019's rent by 10%.</li> <li>•Permittee using only a portion of the parcel for landscaping &amp; maintenance.</li> </ul>

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Doc No.	Type	Permittee Name	TMK	Land Trust Status	Permit From	Char of Use	Permit Area	2018 Annual Rent	2019 Proposed Rent	Indicated Annual Market Rent	Comments re rent amount and why no long-term disposition
rp6047	C	DURO, TRAV	(2) 4-5-13:2-A; 26-A	5(b)	9/16/1983	Main-tenance of existing seawall and landscaped area	0.008	324.84	334.59		<ul style="list-style-type: none"> <li>•2018 rent was increased 1.5% over the previous year. Staff recommends increasing 2019's rent by 3% over 2018's.</li> <li>•Staff to convert rp to an easement.</li> </ul>
rp6121	C	KAHAKULOA PROTESTANT CHURCH	(2) 3-1-004:005-0000	5(b)	4/1/1984	Community related activities	0.33	485.28	499.84		<ul style="list-style-type: none"> <li>•2018 rent was increased 1.5% over the previous year. Staff recommends increasing 2019's rent by 3% over 2018's.</li> <li>•Staff will cancel rp and recommend direct lease to a different 501 (c)(3) to rehabilitate the building. Staff will instruct permittee to apply for a CDUP or provide proof to OCCL that its use/structure is nonconforming.</li> </ul>
rp6199	E	UNITED STATES OF AMERICA	(2) 2-2-007:009-0000	5(b)	3/19/1985	Weather monitoring instruments	0	0	0		<ul style="list-style-type: none"> <li>•Gratis</li> <li>•The site is not currently in use. The cancellation of the rp is pending a site inspection by staff.</li> </ul>

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Doc No.	Type	Permittee Name	TMK	Land Trust Status	Permit From	Char of Use	Permit Area	2018 Annual Rent	2019 Proposed Rent	Indicated Annual Market Rent	Comments re rent amount and why no long-term disposition
rp6648	C	CARTER, CHARLES G.	(2) 3-1-4:101,104, 106	5(b)	8/1/1989	General agriculture	1.094	201.12	207.15		<ul style="list-style-type: none"> <li>•2018 rent was increased 1.5% over the previous year. Staff recommends increasing 2019's rent by 3% over 2018's.</li> <li>•Parcels are either landlocked, or economically unsuitable due to size and shape.</li> </ul>
rp6766	C	LOOMIS, JAMES C.	(2) 2-9-003:040-0000	5(b)	6/1/1991	General agriculture	14.76	1,144.68	1,179.02		<ul style="list-style-type: none"> <li>•2018 rent was increased 1.5% over the previous year. Staff recommends increasing 2019's rent by 3% over 2018's.</li> <li>•Board approved transfer to DOA per Act 90.</li> </ul>
rp6816	E	DEPT. OF ACCOUNTING &	(2) 5-3-005:010-0000	5(b)	8/1/1992	Temporary baseyard and drainage basin	4	0	0		<ul style="list-style-type: none"> <li>•Gratis</li> <li>• RP granted to State Agency. MDLO working with DAGS, DOCARE, COM Dept. of Public Works and Dept. of Water Supply on set-aside via EO for base yard purposes.</li> </ul>



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rp7208	A	RAYCOM NATIONAL, INC.	(2) 2-2-007:015-0000	5(b)	1/16/2000	Television translator, shelter and tower facility	0.204	11,464.44	12,610.88	28,800.00	<ul style="list-style-type: none"> <li>•2018 rent was increased 1.5% over the previous year. Staff recommends increasing 2019's rent by 10% over 2018's, notwithstanding the Indicated Annual Market Rent.</li> <li>•Staff to explore the possibility of selling a lease at public auction. With respect to OCCL's comments, a letter dated Nov. 8, 1989 from the Chairperson informing Robert J. Smolenski, attorney for King Broadcasting Co. that its CDUA for a transmitter, building, antennas and related site improvements for television station KOGG at Haleakala, Maui was approved on Oct. 27, 1989, subject to certain conditions (MA-2271).</li> </ul>

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rp7209	A	RAYCOM NATIONAL, INC.	(2) 2-2-007:014-0000	5(b)	1/16/2000	Test site facility for television signal transmission	0.166	11,464.34	12,610.78	28,800.00	<ul style="list-style-type: none"> <li>•2018 rent was increased 1.5% over the previous year. Staff recommends increasing 2019's rent by 10% over 2018's, notwithstanding the Indicated Annual Market Rent.</li> <li>•Staff to explore the possibility of selling a lease at public auction.</li> </ul>
rp7220	E	STATE OF HAWAII, DLNR	(2) 1-3-004:015-0000	5(b)	8/1/2000	Storage	0.344	0	0		<ul style="list-style-type: none"> <li>•Gratis</li> <li>• 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.</li> </ul>

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rp7343	C	CLUB LANAI PROPERTIES, LLC	(2) 4-9-003:027-0000	5(b)	3/1/2000	Channel clearing, buoy placement, pier construction and maintenance , and conducting of commercial activities (docking, loading and unloading of commercial tour boats)	2.073	27,422.88	28,245.57		<ul style="list-style-type: none"> <li>•2018 rent was increased 1.5% over the previous year. Staff recommends increasing 2019's rent by 3% over 2018's.</li> <li>•Staff to convert rp to an easement.</li> </ul>



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rp7345	C	HUNTER, MURRAY	(2) 2-9-013:014-0000	5(b)	9/1/2002	Pasture	79.1	253.68	261.29		<ul style="list-style-type: none"> <li>•2018 rent was increased 1.5% over the previous year. Staff recommends increasing 2019's rent by 3% over 2018's.</li> <li>•Staff will explore setting aside this parcel to DOFAW, which has expressed interest in it (see Exhibit 4). Staff will instruct permittee to apply for a CDUP or provide proof to OCCL that its use/structure is nonconforming.</li> </ul>
rp7479	B	HERTZ, MARY MAXWELL	(2) 2-1-005:122-0000	5(b)	1/1/2010	General agriculture	6	3,573.24	3,460.80	3,360.00	<ul style="list-style-type: none"> <li>•2018 rent was increased 1.5% over the previous year. Staff recommends increasing 2019's rent by 3% over the Indicated Annual Market Rent.</li> <li>•Board approved transfer to DOA per Act 90.</li> </ul>

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rp7484	A	YAMADA PACIFIC, INC.	(2) 4-5-001:053-0000	5(b)	1/1/2010	Patio/Lanai in conjunction with bar and restaurant operations conducted on permittee's adjacent property	0.043	18,769.44	20,646.38	72,080.00	<ul style="list-style-type: none"> <li>•2018 rent was increased 1.5% over the previous year. Staff recommends increasing 2019's rent by 10% over 2018's, notwithstanding the Indicated Annual Market Rent.</li> <li>•Staff to convert to an easement.</li> </ul>
rp7485	C	NOBRIGA'S RANCH INC.	(2) 3-1-006:003-0000	5(b)	2/1/2010	Pasture	136.4	433.08	446.07		<ul style="list-style-type: none"> <li>•2018 rent was increased 1.5% over the previous year. Staff recommends increasing 2019's rent by 3% over 2018's.</li> <li>•The parcel sits in the Conservation District. Staff could not find any record of a conservation permit or application in permittee's file. Due to understaffing at the MDLO, the CDUA has not been submitted. Staff will explore setting aside the parcel to DOFAW (see Exhibit 4).</li> </ul>

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

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rp7487	C	NOBRIGA'S RANCH INC.	(2) 3-1-006:002-0000	5(b)	1/1/2010	Pasture	187.5	587.76	605.39		<ul style="list-style-type: none"> <li>•2018 rent was increased 1.5% over the previous year. Staff recommends increasing 2019's rent by 3% over 2018's.</li> <li>•No access to parcel from public road. DOFAW has expressed an interest in having this parcel set aside to it. If staff does sell a lease at public auction, DOFAW requests it be no longer than 10 years (see Exhibit 4).</li> </ul>
rp7493	C	NOBRIGA'S RANCH, INC.	(2) 3-1-001:004-0000	5(b)	1/1/2010	Pasture	78.6	247.44	254.86		<ul style="list-style-type: none"> <li>•2018 rent was increased 1.5% over the previous year. Staff recommends increasing 2019's rent by 3% over 2018's.</li> <li>•If staff sells a lease at public auction, DOFAW requests that its term not exceed 10 years, after which the parcel be set aside to DOFAW (see Exhibit 4).</li> </ul>

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rp7495	B	YOUNG, LAFAYETTE	(2) 2-9-3:17, 20	5(b)	2/1/2010	Pasture	110.4	1,407.60	931.12	904.00	<ul style="list-style-type: none"> <li>•2018 rent was increased 1.5% over the previous year. Staff recommends increasing 2019's rent by 3% over the Indicated Annual Market Rent.</li> <li>•Staff to explore the possibility of selling a lease at public auction or explore with DOA the possibility of transfer under Act 90.</li> </ul>
rp7505	C	AOAO NAPILI SURF APARTMENTS	(2) 4-3-002:099-0000	5(b)	3/1/2010	Landscaping and Maintenance	0.23	1,840.80	1,896.02		<ul style="list-style-type: none"> <li>•2018 rent was increased 1.5% over the previous year. Staff recommends increasing 2019's rent by 3% over 2018's.</li> <li>•Landscaping and maintenance purposes. Amend permit to require signage stating the permit area is open to the public.</li> </ul>



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rp7512	C	MEDEIROS, JOHN S. AND YVONNE	(2) 2-2-013:010-0000	5(b)	10/1/2011	Pasture	3.096	203.52	209.63		<ul style="list-style-type: none"> <li>•2018 rent was increased 1.5% over the previous year. Staff recommends increasing 2019's rent by 3% over 2018's.</li> <li>•No access to parcel per State Highways FAP No. BF-037-1 (1)/Kula Highway System.</li> </ul>
rp7513	C	DAY, JOSEPH J.	(2) 1-1-006:038-0000	5(b)	8/1/2010	General agriculture	0.85	201.12	207.15		<ul style="list-style-type: none"> <li>•2018 rent was increased 1.5% over the previous year. Staff recommends increasing 2019's rent by 3% over 2018's.</li> <li>•Board approved transfer to DOA per Act 90.</li> </ul>
rp7526	C	CAMBRA, JR., LOUIS G.	(2) 2-3-008:026-0000	5(b)	1/1/2010	Pasture	18.37	201.12	207.15		<ul style="list-style-type: none"> <li>•2018 rent was increased 1.5% over the previous year. Staff recommends increasing 2019's rent by 3% over 2018's.</li> <li>•Irregularly shaped parcel, no legal access from public road. The parcel is a gulch, which is prone to flooding.</li> </ul>

UNLESS OTHERWISE NOTED, THERE ARE NO  
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REVOCABLE PERMIT MASTER LIST 2018

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rp7529	C	KAAUAMO, JR., SOLOMON & HANNAH K.	(2) 1-1-4:13,30	5(b)	2/1/2010	Intensive ag (taro)	2.99	618.72	637.28		<ul style="list-style-type: none"> <li>•2018 rent was increased 1.5% over the previous year. Staff recommends increasing 2019's rent by 3% over 2018's.</li> <li>•Board approved transfer to DOA per Act 90.</li> </ul>
rp7534	C	DUNN, LESLIE A.	(2) 3-1-005:028-0000	5(b)	2/1/2010	Raising taro for home consumption together with use of ditch water	0.352	201.12	207.15		<ul style="list-style-type: none"> <li>•2018 rent was increased 1.5% over the previous year. Staff recommends increasing 2019's rent by 3% over 2018's.</li> <li>•No access to parcel from public road.</li> </ul>

REVOCABLE PERMIT MASTER LIST 2018

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rp7537	D	HALEAKALA RANCH CO.	(2) 1-8-001:005-0000	5(b)	1/1/2010	Pasture	361.2	2,150.16	2,369.00	2,300.00	<ul style="list-style-type: none"> <li>•2018 rent was increased 1.5% over the previous year. Staff recommends increasing 2019's rent 3% to the Indicated Annual Market Rent.</li> <li>•Parcel is landlocked with no access from public road. Staff to inquire with DOFAW about the possibility of transferring parcel for forest restoration purposes (see Exhibit 4).</li> </ul>
rp7539	A	OLSEN, RICHARD L.	(2) 2-1-007:010-0000	Acq. after 8/59	1/1/2010	Recreational fishing and storage of fishing equipment	0.19	4,362.12	4,798.33	5,432.00	<ul style="list-style-type: none"> <li>•2018 rent was increased 1.5% over the previous year. Staff recommends increasing 2019's rent by 10% over 2018's, notwithstanding the Indicated Annual Market Rent.</li> <li>•Staff to explore the possibility of selling a lease at public auction.</li> </ul>

REVOCABLE PERMIT MASTER LIST 2018

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rp7545	C	BROWNE, ROAN AND SUSAN	(2) 2-9-001:020-0000	5(b)	2/1/2010	General agriculture	9.63	262.92	270.81		<ul style="list-style-type: none"> <li>•2018 rent was increased 1.5% over the previous year. Staff recommends increasing 2019's rent by 3% over 2018's.</li> <li>•Board approved transfer to DOA per Act 90. Staff will instruct permittee to apply for a CDUP or provide proof to OCCL that its use/structure is nonconforming.</li> </ul>



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rp7549	E	COUNTY OF MAUI	(2) 5-7-007:016-0000	5(a)	12/1/2010	Operate and maintain a temporary fire control and rescue station site, housing fire/rescue personnel and fire fighting apparatuses, and maintenance of vehicular access to the premises.	0.115	0	0		<ul style="list-style-type: none"> <li>•Gratis.</li> <li>• RP granted to another governmental agency as the location of the Puko'o Fire Station.</li> </ul>

REVOCABLE PERMIT MASTER LIST 2018

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rp7551	C	HERTZ, MARY	(2) 2-1-005:119-0000	5(b)	2/1/2010	Development, use, operation and maintenance of a water tank site	0.152	201.12	207.15		<ul style="list-style-type: none"> <li>•2018 rent was increased 1.5% over the previous year. Staff recommends increasing 2019's rent by 3% over 2018's.</li> <li>•Staff to seek Board approval for sale of lease at public auction for water tank site.</li> </ul>
rp7552	C	FRANCO, STEVEN J. & CAROL JEAN	(2) 2-2-003:001-0000	5(b)	3/1/2010	To construct, maintain, repair and use non-exclusive road right-of-way for vehicular access	0.052	201.12	207.15		<ul style="list-style-type: none"> <li>•2018 rent was increased 1.5% over the previous year. Staff recommends increasing 2019's rent by 3% over 2018's.</li> <li>•Staff to convert to an easement.</li> </ul>

REVOCABLE PERMIT MASTER LIST 2018

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rp7558	C	KAAUAMO, WILKENS P.	(2) 1-1-4:28; 1-1-5:52	5(b)	3/1/2010	Agriculture	3.88	804.36	828.49		<ul style="list-style-type: none"> <li>•2018 rent was increased 1.5% over the previous year. Staff recommends increasing 2019's rent by 3% over 2018's.</li> <li>•No access to parcel 28 from public road. Staff to explore with DOA the possibility of transfer under Act 90.</li> </ul>
rp7562	A	HALEAKALA RANCH COMPANY	(2) 2-4-016:001-0000	5(b)	3/1/2010	Pasture	142.3	1,778.88	1,956.77	2,000.00	<ul style="list-style-type: none"> <li>•2018 rent was increased 1.5% over the previous year. Staff recommends increasing 2019's rent by 10% over 2018's, notwithstanding the Indicated Annual Market Rent.</li> <li>•Staff to explore the possibility of selling a lease at public auction or explore with DOA the possibility of transfer under Act 90.</li> </ul>

REVOCABLE PERMIT MASTER LIST 2018

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rp7568	C	LATHAM, WILLIAM	(2) 1-1-003:092-0000	5(b)	6/1/2010	Agriculture	0.67	538.32	554.47		<ul style="list-style-type: none"> <li>•2018 rent was increased 1.5% over the previous year. Staff recommends increasing 2019's rent by 3% over 2018's.</li> <li>•No access from public road.</li> </ul>
rp7571	C	NOBRIGA'S RANCH INC.	(2) 3-1-002:011-0000	59b)	3/1/2010	Pasture	82	525.96	541.74		<ul style="list-style-type: none"> <li>•2018 rent was increased 1.5% over the previous year. Staff recommends increasing 2019's rent by 3% over 2018's.</li> <li>•Only 10 acres usable for pasture, not suitable for long term lease. Staff will instruct permittee to apply for a CDUP or provide proof to OCCL that its use/structure is nonconforming. Staff will explore setting aside the parcel to DOFAW (see Exhibit 4).</li> </ul>



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rp7573	C	AOAO OF THE ROYAL MAUIAN	(2) 3-9-005:001-0000	5(b)	3/1/2010	Maintenance and landscaping	0.053	510.48	525.79		<ul style="list-style-type: none"> <li>•2018 rent was increased 1.5% over the previous year. Staff recommends increasing 2019's rent by 3% over 2018's.</li> <li>•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.</li> </ul>

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rp7581	C	ULUPALAKUA RANCH, INC .	(2) 2-2-007:003-0000	5(b)	4/1/2010	Right-of-way for pipeline	2.43	201.12	207.15		<ul style="list-style-type: none"> <li>•2018 rent was increased 1.5% over the previous year. Staff recommends increasing 2019's rent by 3% over 2018's.</li> <li>•Staff has sought an opinion from the AG's office as to whether the permittee needs to apply for a water lease pursuant HRS 171-58. The parcel has been encumbered by land licenses or RPs since 1901. Staff consulted with OCCL, which agreed the pipeline was a non-conforming use, and does not require a CDUP. Staff to convert to an easement.</li> </ul>

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rp7583	E	LAHAINA RESTORATION FOUNDATION	(2) 4-6-018:005-0000	5(b)	4/1/2010	To restore, operate and maintain Hale Pa'i printshop building for museum purposes	0.063	0	0		<ul style="list-style-type: none"> <li>•Gratis.</li> <li>•Staff to explore entering into a direct lease with this 501(c)(3) entity.</li> </ul>
rp7608	C	JACINTHO, WILLIAM F.	(2) 1-4-7:9,17	5(b)	5/1/2010	Pasture	25.08	538.32	554.47		<ul style="list-style-type: none"> <li>•2018 rent was increased 1.5% over the previous year.Staff recommends increasing 2019's rent by 3% over 2018's.</li> <li>•The permit excludes the conservation district area. Staff to explore with DOA the possibility of transfer under Act 90.</li> </ul>
rp7618	E	STABLE ROAD BEACH RESTORATION FOUNDATION	(2)3-8-2:65,70,71,74,76-78,94A	5(b)	4/12/2010	Category II small-scale beach nourishment	0.894	0	0		<ul style="list-style-type: none"> <li>•Cancellation of rp approved by Board at its meeting on Sept. 26, 2014 (Item D-6).</li> <li>•Staff to convert rp to an easement.</li> </ul>

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rp7621	C	SOUZA, JR., BARRON THOMAS	(2) 2-9-1:8, 11	5(b)	10/1/2010	Pasture	10.4	538.32	554.47		<ul style="list-style-type: none"> <li>•2018 rent was increased 1.5% over the previous year. Staff recommends increasing 2019's rent by 3% over 2018's.</li> <li>•Permittee has requested surrender of parcel 008 (1.8 ac.) and to retain parcel 11 (8.78 ac.). Staff to issue new permit and explore the possibility of selling a lease at public auction. Staff will instruct permittee to apply for a CDUP or provide proof to OCCL that its use/structure is nonconforming.</li> </ul>
rp7622	C	BUTTERFLY, SAMADHI	(2) 1-6-009:017-0000	5(b)	11/1/2010	Agriculture	1.253	538.32	554.47		<ul style="list-style-type: none"> <li>•2018 rent was increased 1.5% over the previous year. Staff recommends increasing 2019's rent by 3% over 2018's.</li> <li>•Staff to explore the possibility of selling a lease at public auction.</li> </ul>



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rp7639	E	DEPT. OF LAND AND NATURAL RESOURCES, C/O MAUI DISTRICT MANAGER	(2) 4-8-003:008-0000	5(b)	11/1/2010	Native plant species restoration	1.1	0	0		<ul style="list-style-type: none"> <li>•Gratis.</li> <li>• RP granted to State Agency (DOFAW).</li> </ul>
rp7686	E	AOAO OF MAUI KAMAOLE, INC.	(2) 3-9-004:146-0000	5(b)	6/1/2011	Landscaping and maintenance	0.894	203.52	223.87		<ul style="list-style-type: none"> <li>•2018 rent was increased 1.5% over the previous year. Staff recommends using the Indicated Annual Market Rent for rp5405 (\$1,280/yr. for .298 Ac) as a benchmark and increasing 2019's rent by 10%.</li> <li>•Landscaping and maintenance purposes.</li> </ul>
rp7699	C	DOOR OF FAITH CHURCH AND BIBLE SCHOOL	(2) 2-9-008:018-0000	5(b)	7/1/2011	Access, parking and church related purposes	1.24	598.92	616.89		<ul style="list-style-type: none"> <li>•2018 rent was increased 1.5% over the previous year. Staff recommends increasing 2019's rent by 3% over 2018's.</li> <li>•Permittee using only a portion of the parcel.</li> </ul>

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rp7707	C	ALEXANDER, JEFFREY & DONNA	(2) 2-3-008:027-0000	5(b)	7/1/2011	Pasture	3.12	203.52	209.63		<ul style="list-style-type: none"> <li>•2018 rent was increased 1.5% over the previous year. Staff recommends increasing 2019's rent by 3% over 2018's.</li> <li>•The parcel is a steep-sloped gully with approximately one acre of usable pasture. No access from public road, unsuitable for long term lease.</li> </ul>
rp7723	A	AOAO OF MANA KAI-MAUI	(2) 3-9-004:001-0000	5(b)	8/1/2011	Gravel parking and propane gas tank	0.425	1,149.60	1,264.56	2,808.00	<ul style="list-style-type: none"> <li>•2018 rent was increased 1.5% over the previous year. Staff recommends increasing 2019's rent by 10% over 2018's, notwithstanding the Indicated Annual Market Rent.</li> <li>•Permittee using only a portion of parcel for parking and propane tank. Staff to convert to utility easement.</li> </ul>

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rp7746	A	DORRIS, STEPHEN	(2) 2-9-003:008-0000	5(b)	9/1/2011	General agriculture	9.82	1,747.92	1,922.71	12,740.00	<ul style="list-style-type: none"> <li>•2018 rent was increased 1.5% over the previous year. Staff recommends increasing 2019's rent by 10% over 2018's, notwithstanding the Indicated Annual Market Rent.</li> <li>•Board approved transfer to DOA per Act 90.</li> </ul>
rp7755	C	MARTIN, JR., NORMAN D.	(2) 1-1-6:41,43	5(b)	9/1/2011	General agriculture	0.56	206.28	212.47		<ul style="list-style-type: none"> <li>•2018 rent was increased 1.5% over the previous year. Staff recommends increasing 2019's rent by 3% over 2018's.</li> <li>•Board approved transfer to DOA per Act 90.</li> </ul>

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rp7760	C	MARINO, DOMINICK & PATRICIA	(2) 2-3-007:028-0000	5(b)	9/1/2011	Pasture	0.63	201.12	207.15		<ul style="list-style-type: none"> <li>•2018 rent was increased 1.5% over the previous year. Staff recommends increasing 2019's rent by 3% over 2018's.</li> <li>•Low interest for property, no water. Infeasible to sell long-term lease due to small size of parcel.</li> </ul>
rp7762	C	BOERNER, CHARLES J.	(2) 1-6-5:8,21,22,23	5(b)	8/1/2011	Pasture	14.35	194.04	199.86		<ul style="list-style-type: none"> <li>•2018 rent was increased 1.5% over the previous year. Staff recommends increasing 2019's rent by 3% over 2018's.</li> <li>•There is no access to the parcels from a public road. Staff to explore with DOA the possibility of transfer under Act 90.</li> </ul>



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rp7769	C	HECHT, MARGARET ANN	(2) 1-6-8:2,4	5(b)	9/1/2011	Pasture	62.53	432.72	445.70		<ul style="list-style-type: none"> <li>•2018 rent was increased 1.5% over the previous year. Staff recommends increasing 2019's rent by 3% over 2018's.</li> <li>•No access to parcels from public road. Staff to explore with DOA the possibility of transfer under Act 90.</li> </ul>
rp7778	C	KAUPO RANCH, LTD.	(2) 1-7-003:032-0000	5(b)	11/1/2011	Pasture	20.9	268.56	276.62		<ul style="list-style-type: none"> <li>•2018 rent was increased 1.5% over the previous year. Staff recommends increasing 2019's rent by 3% over 2018's.</li> <li>•Staff to explore with DOA the possibility of transfer under Act 90. Staff will instruct permittee to apply for a CDUP or provide proof to OCCL that its use/structure is nonconforming.</li> </ul>

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rp7780	A	RUBY & SONS HOSPITALITY LLC	(2) 3-9-004:149-0000	5(b)	9/1/2011	Parking lot	0.694	1,686.12	1,854.73	4,472.00	<ul style="list-style-type: none"> <li>•2018 rent was increased 1.5% over the previous year. Staff recommends increasing 2019's rent by 10% over 2018's, notwithstanding the Indicated Annual Market Rent.</li> <li>•The rp was issued for additional parking for GL 4212, which ends 9/3/33.</li> </ul>
rp7781	C	JOHNSON, JAMES L. AND NANCY K.	(2) 1-1-003:064-0000	5(b)	9/1/2011	Landscaping and maintenance	0.214	194.04	199.86		<ul style="list-style-type: none"> <li>•2018 rent was increased 1.5% over the previous year. Staff recommends increasing 2019's rent by 3% over 2018's.</li> <li>•Staff to explore the possibility of selling a lease at public auction, as there may be potential for a significant revenue increase. Staff will instruct permittee to apply for a CDUP or provide proof to OCCL that its use/structure is nonconforming.</li> </ul>

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rp7783	A	WEINBERG FOUNDATION, INC., THE HARRY & JEANETTE	(2) 4-5-001:009-A	5(b)	9/1/2011	Commercial	0.028	17,956.92	19,752.61	67,440.00	<ul style="list-style-type: none"> <li>•2018 rent was increased 1.5% over the previous year. Staff recommends increasing 2019's rent by 10% over 2018's, notwithstanding the Indicated Annual Market Rent.</li> <li>•Staff to convert to an easement.</li> </ul>
rp7787	A	PACIFIC RADIO GROUP, INC.	(2) 2-2-004:089-0000	5(b)	9/1/2011	Operate and maintain an FM radio transmission facility	1	11,601.48	12,761.63	26,000.00	<ul style="list-style-type: none"> <li>•2018 rent was increased 1.5% over the previous year. Staff recommends increasing 2019's rent by 10% over 2018's, notwithstanding the Indicated Annual Market Rent.</li> <li>•Staff to explore the possibility of selling a lease at public auction.</li> </ul>
rp7796	C	KANOA, ISAAC A. & GLADYS R.	(2) 1-1-3:33,43,44	5(b)	9/1/2011	Agriculture	1.497	265.56	273.53		<ul style="list-style-type: none"> <li>•2018 rent was increased 1.5% over the previous year. Staff recommends increasing 2019's rent by 3% over 2018's.</li> <li>•Board approved transfer to DOA per Act 90.</li> </ul>

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rp7804	C	KAHIAMOE, JR., MOSES	(2) 2-9-8:18, 24	5(b)	5/1/2012	Pasture	5.26	523.80	539.51		<ul style="list-style-type: none"> <li>•2018 rent was increased 1.5% over the previous year. Staff recommends increasing 2019's rent by 3% over 2018's.</li> <li>•At its meeting on 10/27/89, item F-11 the Board approved the public auction sale of a lease. Staff to explore with DOA the possibility of transfer under Act 90.</li> </ul>



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Doc No.	Type	Permittee Name	TMK	Land Trust Status	Permit From	Char of Use	Permit Area	2018 Annual Rent	2019 Proposed Rent	Indicated Annual Market Rent	Comments re rent amount and why no long-term disposition
rp7816	E	AOAO OF MAUI HILL	(2) 3-9-004:140-0000	5(b)	2/1/2013	Landscaping, pedestrian path and maintenance	0.916	680.64	748.70		<ul style="list-style-type: none"> <li>•2018 rent was increased 1.5% over the previous year. Staff recommends using the Indicated Annual Market Rent for rp5405 (\$1,280/yr. for .298 Ac) as a benchmark and increasing 2019's rent by 10%.</li> <li>•Permittee using only a portion of the parcel for landscaping, pedestrian path and maintenance. Staff to explore the possibility of selling a lease at public auction as there is a potential for significant revenue increase.</li> </ul>
rp7819	C	VELLINA, FELIX AND ROXANNE	(2) 3-1-4:92,95,97	5(b)	3/1/2012	Intensive agriculture	0.823	523.80	539.51		<ul style="list-style-type: none"> <li>•2018 rent was increased 1.5% over the previous year. Staff recommends increasing 2019's rent by 3% over 2018's.</li> <li>•Parcels are landlocked. Staff to explore with DOA the possibility of transfer under Act 90.</li> </ul>

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

REVOCABLE PERMIT MASTER LIST 2018

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

Doc No.	Type	Permittee Name	TMK	Land Trust Status	Permit From	Char of Use	Permit Area	2018 Annual Rent	2019 Proposed Rent	Indicated Annual Market Rent	Comments re rent amount and why no long-term disposition
rp7822	C	REDO, VALENTINE	(2) 1-1-004:006-0000	5(b)	6/1/2012	Intensive agriculture	1.53	523.80	539.51		<ul style="list-style-type: none"> <li>•2018 rent was increased 1.5% over the previous year. Staff recommends increasing 2019's rent by 3% over 2018's.</li> <li>•Staff to explore the possibility of selling a lease at public auction.</li> </ul>
rp7824	C	KAIWI, JULIA	(2) 3-1-4:46,56,59,61	5(b)	7/1/2012	Agriculture	0.844	523.80	539.51		<ul style="list-style-type: none"> <li>•2018 rent was increased 1.5% over the previous year. Staff recommends increasing 2019's rent by 3% over 2018's.</li> <li>•Infeasible to auction due to size and use of parcels. Staff to explore with DOA the possibility of transfer under Act 90.</li> </ul>
rp7846	C	SCOTT, LURLYN	(2) 2-9-001:018-0000	5(b)	12/1/2014	Intensive agriculture	5	509.16	524.43		<ul style="list-style-type: none"> <li>•2018 rent was increased 1.5% over the previous year. Staff recommends increasing 2019's rent by 3% over 2018's.</li> <li>•No access from public road. Staff to explore with DOA the possibility of transfer under Act 90.</li> </ul>

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

REVOCABLE PERMIT MASTER LIST 2018

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

Doc No.	Type	Permittee Name	TMK	Land Trust Status	Permit From	Char of Use	Permit Area	2018 Annual Rent	2019 Proposed Rent	Indicated Annual Market Rent	Comments re rent amount and why no long-term disposition
rp7863	C	KAUPO COMMUNITY ASSOCIATION, INC.	(2) 1-7-002:015-0000	5(b)	5/1/2015	Landscaping and maintenance	2.214	501.84	516.90		<ul style="list-style-type: none"> <li>•2018 rent was increased 1.5% over the previous year. Staff recommends increasing 2019's rent by 3% over 2018's.</li> <li>•At its meeting on July 25, 2018, agenda item D-4, the Board approved the cancellation of the revocable permit and and Approval of 55-year Lease of Lands to the Kaupo Community Association, Inc. Pursuant to Governor's Executive Order No. 4544 to County of Maui, for Community Center and Ancillary Purposes.</li> </ul>

REVOCABLE PERMIT MASTER LIST 2018

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

Doc No.	Type	Permittee Name	TMK	Land Trust Status	Permit From	Char of Use	Permit Area	2018 Annual Rent	2019 Proposed Rent	Indicated Annual Market Rent	Comments re rent amount and why no long-term disposition
rp7864	C	COSTON, JOHN AND GLORIA	(2) 3-1-004:049-0000	5(b)	7/1/2015	General agriculture	0.263	501.84	516.90		<ul style="list-style-type: none"> <li>•2018 rent was increased 1.5% over the previous year. Staff recommends increasing 2019's rent by 3% over 2018's.</li> <li>•Size of parcel and lack of interest make public auction of lease unfeasible. Staff to explore with DOA the possibility of transfer under Act 90.</li> </ul>



REVOCABLE PERMIT MASTER LIST 2018

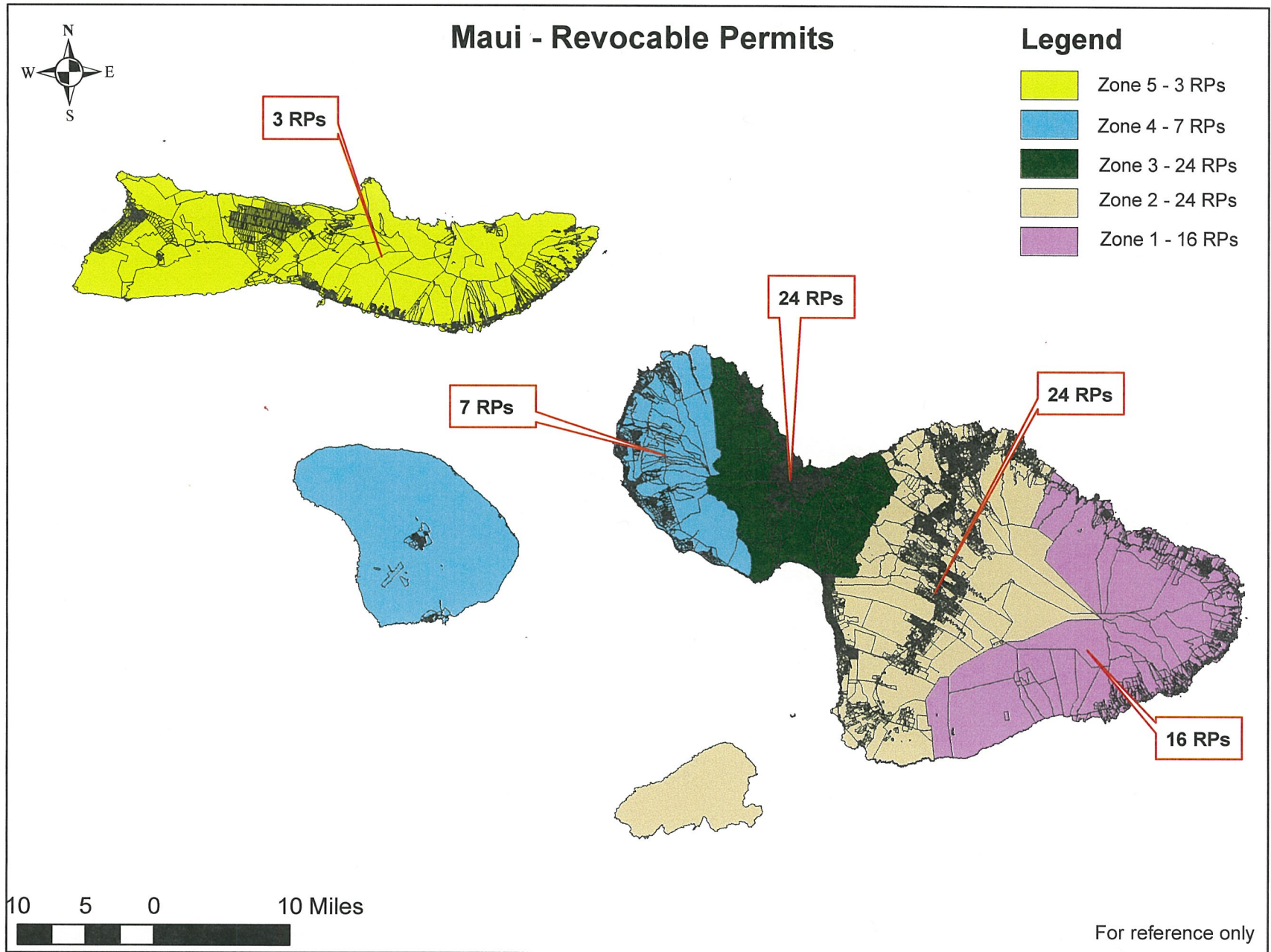
Note: Permits showing "0" annual rent may be gratis, or subject to a non-fixed rental amount, e.g. % of net revenue, amount per event

Doc No.	Type	Permittee Name	TMK	Land Trust Status	Permit From	Char of Use	Permit Area	2018 Annual Rent	2019 Proposed Rent	Indicated Annual Market Rent	Comments re rent amount and why no long-term disposition
rp7868	E	ASSOCIATION OF APARTMENT OWNERS	(2) 3-9-004:87, por 01	5(b)	9/1/2017	Landscaping, maintenance and recreation	2.5	7,612.56	8,373.82		<ul style="list-style-type: none"> <li>•2018 rent was increased 1.5% over the previous year. Staff recommends using the Indicated Annual Market Rent for rp5405 (\$1,280/yr. for .298 Ac) as a benchmark and increasing 2019's rent by 10%.</li> <li>•Permittee using only a portion of parcel 001 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.</li> </ul>

REVOCABLE PERMIT MASTER LIST 2018

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

Doc No.	Type	Permittee Name	TMK	Land Trust Status	Permit From	Char of Use	Permit Area	2018 Annual Rent	2019 Proposed Rent	Indicated Annual Market Rent	Comments re rent amount and why no long-term disposition
rp7869	C	KELIIKOA, NOEL AND LINDA	(2) 5-8-003:023-0000	5(b)	1/1/2016	Residential and agricultural	0.291	1,257.36	1,295.08		<ul style="list-style-type: none"> <li>•2018 rent was increased 1.5% over the previous year. Staff recommends increasing 2019's rent by 3% over 2018's.</li> <li>•No other interest in the property.</li> </ul>





DAVID Y. IGE  
GOVERNOR OF HAWAII



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

ROBERT K. MASUDA  
FIRST DEPUTY

JEFFREY T. PEARSON, P.E.  
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES  
BOATING AND OCEAN RECREATION  
BUREAU OF CONVEYANCES  
COMMISSION ON WATER RESOURCE MANAGEMENT  
CONSERVATION AND COASTAL LANDS  
CONSERVATION AND RESOURCES ENFORCEMENT  
ENGINEERING  
FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
DIVISION OF FORESTRY AND WILDLIFE  
1151 PUNCHBOWL STREET, ROOM 325  
HONOLULU, HAWAII 96813

September 17, 2018

MEMORANDUM

TO: RUSSELL Y. TSUJI, ADMINISTRATOR  
LAND DIVISION

FROM: DAVID G. SMITH, ADMINISTRATOR *DGS*

SUBJECT: ANNUAL RENEWAL OF REVOCABLE PERMITS FOR THE ISLAND  
OF MAUI

Thank you for the opportunity to comment on Land Division's annual renewal of revocable permits for the island of Maui. After reviewing the revocable permits listed in Exhibit 2 of the Board of Land and Natural Resources submittal dated, September 28, 2018, the Division of Forestry and Wildlife (DOFAW) provides the following comments.

Doc No.	TMK	Comment
rp4450	(2) 3-1-001:001	Maui District staff are currently working with Land Division to set aside the 194 acre parcel to DOFAW. We have no objection to the easement request.
rp7345	(2) 2-9-013:014	This parcel contains public access from Hana Hwy to the shoreline and may contain important biological resources. We request that TMK (2) 2-9-013:014 be set-aside to DOFAW.
rp7485	(2) 3-1-006:003	The parcels encumbered by rp 7485 and rp7487 are adjacent and makai of the Makamakaole section of West Maui Forest Reserve and Natural Area Reserve. This parcel is important for access to critical operations in those reserves, which includes a predator proof enclosure for endangered seabirds. We request that TMK (2) 3-1-006:003 be set-aside to DOFAW. We are supportive of the issuance of a lease for parcel (2) 3-1-006:002 that is no longer than 10 years. However, upon termination of that lease, this parcel should be set-aside to DOFAW.
rp7487	(2) 3-1-006:002	
rp7493	(2) 3-1-001:004	The two parcels encumbered by rp7493 and rp7571 contain designated Maui Coastal Critical Habitat for several listed endangered plant species and contains active seabird nesting habitat. Listed plant species present on this parcel, or for which this parcel may serve as recovery habitat include <i>Sesbania tomentosa</i> , <i>Schenkia sabaeoides</i> , and <i>Brighamia rockii</i> . As stated in the board submittal exhibit 2, only 10 acres of parcel (2) 3-1-
rp7571	(2) 3-1-002:011	

EXHIBIT "4"

		002:011 are usable for pasture. As such we request that parcel 011 be set-aside to DOFAW. We are supportive of the issuance of a lease for parcel (2) 3-1-001:004 that is no longer than 10 years. However, upon termination of that lease, this parcel should be set-aside to DOFAW.
rp7537	(2) 1-8-001:005	This parcel is makai of, and adjacent to the Nakula Natural Area Reserve, Kahikinui Forest Reserve and 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. We are supportive of the issuance of a lease for parcel (2) 1-8-001:005 that is no longer than 10 years. However, upon termination of that lease, this parcel should be set-aside to DOFAW.
rp7545	(2) 2-9-001:020	This parcel contains a government road that provides public access to the shoreline at Hoolawa Bay, pursuant to HRS 264-1, as shown on Registered Map 862. Please include conditions in the RP to ensure that public access to this road is not obstructed.
rp7562	(2) 2-4-016:001	This parcel is adjacent to Makawao Forest Reserve and public hunting area. It has resource management value for native species and/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. We are supportive of the issuance of a lease for parcel (2) 2-4-016:001 that is no longer than 10 years. However, upon termination of that lease, this parcel should be set-aside to DOFAW.
rp7639	(2) 4-8-003:008	This is a 634 acre parcel that was set-aside to DOFAW by an EO for Game Management Area purposes. We are unsure what 1.1 acres is being referred to on this RP list.

Thank you again for the opportunity to review and comment on the renewal of the revocable permits being issued for the island of Maui. Please contact Scott Fretz, DOFAW Maui Branch Manager, at (808) 984-8100 or by email at [Scott.Fretz@hawaii.gov](mailto:Scott.Fretz@hawaii.gov) if you have any questions or would like to follow-up on our comments and requests for lands to be set-aside to DOFAW.

cc: Richard Howard, Land Agent  
Irene Sprecher, Forestry Program Manager



DAVID Y. IGE  
GOVERNOR OF  
HAWAII



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2018 AUG 20 AM 10:10



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

ROBERT K. MASUDA  
FIRST DEPUTY

JEFFREY T. PEARSON, P.E.  
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CONSERVATION AND COASTAL LANDS  
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ENGINEERING  
FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES

OFFICE OF CONSERVATION AND COASTAL LANDS  
POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

REF: OCCL: AJR

COR: MA-19-27

MEMORANDUM

AUG 16 2018

TO: RICHARD T. HOWARD, LAND AGENT  
DLNR – Land Division

FROM: SAMUEL J. LEMMO, ADMINISTRATOR  
DLNR – Office of Conservation and Coastal Lands

SUBJECT: ANNUAL RENEWAL OF REVOCABLE PERMITS FOR MAUI COUNTY  
Various Districts, Island of Maui, Molokai, and Lanai  
TMKs: (2) various

Dear Mr. Howard,

The Office of Conservation and Coastal Lands (OCCL) is in receipt of your letter and documentation regarding the *Annual Review of Revocable Permits* (RP) for the County of Maui (i.e., Maui, Moloka'i, and Lana'i). Based on our review of the submitted RP spreadsheet, we offer the following list of parcels located either entirely within the State Land Use (SLU) Conservation District or has portions within the SLU Conservation District:

- RP5847 - TMK: 3-1-006:001; Located within the Conservation District, Resource and Protective Subzones (CDUPs: MA1088; MA1282; MA1591, MA1955; MA2235);
- RP6121 - TMK: 3-1-004:005; Portion of parcel (~10%) located in Conservation District, Resource Subzone (No Permits found in OCCL Database);
- RP6199 - TMK: 2-2-007:009; Located within the Conservation District, General Subzone (CDUPs: MA1990; MA3664; SPA: MA-99-05);
- RP7208 - TMK: 2-2-007:015; Located within the Conservation District, Limited Subzone (CDUP: MA-2271);
- RP7209 - TMK: 2-2-007:014; Located within the Conservation District, Limited Subzone (CDUP: MA-3664).

EXHIBIT "5"

- RP7345 - TMK: 2-9-013:014; Makai portion (~5%) located within the Conservation District, Limited Subzone (No permits found in OCCL Database).
- RP7534 - TMK: 3-1-005:028; Located within the Conservation District, Resource Subzone (CDUP: MA-1436).
- RP7545 - TMK: 2-9-001:020; ~15% of parcel located within Conservation District, Limited Subzone (No permits found in OCCL database).
- RP7571 - TMK: 3-1-002:011; Located within the Conservation District, Limited Subzone (No permits found in OCCL database).
- RP7621 - TMK: 2-9-001:011; Northern ~20% located within the Conservation District, Limited Subzone (No permits found in OCCL database).
- RP7778 - TMK: 1-7-003:032; Makai ~25% located within the Conservation District, General Subzone (No permits found in OCCL database).

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.

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](mailto:alex.j.roy@hawaii.gov)

Thank you.

CC: Chairperson



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LAND DIVISION

FAX (808) 594-1938

2018 SEP 12 AM 10:40

STATE OF HAWAII  
OFFICE OF HAWAIIAN AFFAIRS  
560 N. NIMITZ HWY., SUITE 200  
HONOLULU, HAWAII 96817

DEPT. OF LAND &  
NATURAL RESOURCES  
STATE OF HAWAII

HRD18-7900C

August 21, 2018

Richard T. Howard  
Land Agent  
Department of Land and Natural Resources, Land Division  
P.O. BOX 621  
Honolulu, HI 96809

Re: Annual Renewal of Revocable Permits for Maui

Aloha e Mr. Howard:

The Office of Hawaiian Affairs (OHA) received your draft submittal to the Board of Land and Natural Resources (BLNR), dated August 2, 2018. The Department of Land and Natural Resources (DLNR) Land Division is recommending to the BLNR renewal of 74 month-to-month revocable permits (RPs) issued in Maui County for a period of one year. The 2019 Revocable Permit Master List (master list) included as Exhibit 2 of the draft submittal, provides a table of the subject RPs. At this time, there is insufficient information to determine whether some of these requested renewals should be approved by the BLNR. OHA again reiterates, as it has in prior comment letters and testimonies regarding annual renewals, that the master list must include additional pertinent information regarding some of the listed RPs, including information required under the DLNR Revocable Permit Task Force (Task Force) recommendations adopted by the BLNR on June 24, 2016. OHA notes that in its 2016 decision, the BLNR confirmed that a "checklist" developed by the Task Force should be applied to both new and renewed RPs to help ensure that the Task Force's recommendations are fully considered. Given the lack of sufficient details and information in the master list, it is questionable whether or how the Task Force's checklist has been consistently applied to the RPs now proposed for renewal.

First, the submittal and its master list fail to provide timetables for the conversion of a number of RPs to alternative long-term dispositions, as called for in the Task Force recommendations adopted by the BLNR. As OHA has previously noted, the Task Force's recommendation "checklist" for RPs includes the provision of a timetable for the conversion of RPs into leases, easements, or executive set-aside orders, when such longer-term dispositions are believed appropriate. However, for many of the RPs that are explicitly pending leases or other long-term dispositions on the master list (RP5710, RP5834, RP5835, RP5847, RP6047, RP6121, RP6199, RP7208, RP7209, RP7343, RP7484, RP7495, RP7539, RP7551, RP7552, RP7581, RP7618, RP7621, RP7622, RP7723, RP7783, RP7787, RP7816, RP7822, and RP7765), no such timetable is provided. OHA cited these same RPs in our October 13, 2017 testimony to the BLNR

EXHIBIT "6"



regarding the 2018 annual renewal of RPs for Maui County. During their decision making in 2017, BLNR members themselves also expressed particular interest in several of these RPs, and in their conversion to longer-term dispositions.<sup>1</sup> As noted in our 2017 testimony, several of these permits have been approved for conversion to long-term leases via public auction for years. For example, the lands underlying RP5834 and RP5835 were approved for lease at public auction six years ago.

OHA further noted in 2017 that some of these RPs carry substantial annual rents, suggesting the potential for significant additional and stable revenue streams that would be realized from their conversion to a lease or other longer-term disposition. The Land Division appears to acknowledge this potential for RP7816, as the master list comment column continues to state, “staff to explore the possibility of selling a lease at public auction as there is a potential for significant revenue increase.” However, OHA observes that the comments on the master list for the aforementioned RPs have not changed in the past two years of submittals for Maui County annual revocable permit renewals. Without any timetable or additional details provided for the conversion of these aforementioned RPs, and with seemingly limited progress over the past two years, the prioritization of RP conversions appears to be consistently ignored in a way that relegates the State’s fiduciary responsibilities and prospective monetary gains. Accordingly, OHA strongly recommends that all RPs contemplated for conversion to an alternative, long-term disposition include a conversion timetable, detailed status reports, and/or other information that can demonstrate whether or how their conversion is appropriately progressing.

Second, the draft submittal does not appear to comply with the BLNR’s adopted Task Force recommendations calling for the provision of additional relevant details regarding RPs with apparent unusual circumstances. OHA finds this recommendation particularly relevant to RP7581, which involves the continued utilization of water originating from Polipoli Spring, a spring found on public lands. As OHA stated last year, it appears clear that a water license should have been obtained for the permittee’s continued long-term use of public trust water, with appropriate conditions to ensure that public trust purposes are continuously protected, and that the conveyance and use of surface water originating from Polipoli Spring is consistent with priority water rights and the reasonable-beneficial uses recognized under the State Water Code. However, the comment columns for this RP in both the 2018 and the current master list, continue to state only that “staff has sought an opinion from the AG’s [Attorney General’s] office as to whether the permittee needs to apply for a water lease pursuant to HRS 171-85.”<sup>2</sup> Consistent with the Task Force recommendations and the BLNR’s duties under the public trust, additional details should be included: as to the progress of the AG’s water license analysis; potential impacts to competing public trust purposes, reasonable beneficial uses, and possible priority rights in the public trust water of Polipoli Spring; the amount of water used by the permittee; and an appraisal of the

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<sup>1</sup> For example, during the BLNR meeting on October 13, 2017, BLNR members appeared to express a particular interest in RP6121 and RP7618, and the need to convert these RPs into a long-term lease and easement, respectively.

<sup>2</sup> According to the BLNR meeting minutes for October 13, 2017, regarding RP7581, “there is a 1901 judicial decree that says that Ulupalakua [permittee] has a right to 2% (of the water)... Land Division had the AG’s look at the case and they found that Ulupalakua had a term license to take the water.” However, this statement fails to demonstrate how any such judicial decree or term-limited license can continue to bind the state’s hands in administering its public trust water resources, and obviate the need to comply with the state water code and the public trust in the permittee’s continued use of water. No other information is provided in this year’s master list regarding RP7581 or the permittee’s use of water directly resulting from the RP.



financial and other benefits realized by the permittee. These additional details would appear necessary for the BLNR to determine if this RP should be renewed or not, or if further conditions need to be placed on any renewal of this RP, or if the rent for this RP should be adjusted. Failure to disclose this information hinders the BLNR's ability to make a proper determination in its administration of a critical public trust resource.<sup>3</sup>

Third, compliance concerns continue to exist for RPs involving conservation district lands. In OHA's October 2017 testimony to the BLNR, we noted several RPs (RP7345, RP7485, RP7571, RP7781, and RP7778) issued to permittees for lands located in the conservation district, for uses that appeared to be subject to permitting and other regulation under conservation district rules detailed in Hawai'i Administrative Rules (HAR) Chapter 13-5. The OCCL itself provided a list to the Land Division last year on August 22, 2017, noting that RP7345, RP7571, RP7778, RP7208, RP7621, and RP7781 have "no permits found in OCCL database". OCCL further noted that "permittees/applicants are required to inform this office [OCCL] of any proposed land uses that may occur in the Conservation District." These RPs are again included in this year's master list, without any recognition of whether and how these now long-standing compliance concerns have been addressed.

In last year's annual RP renewal submittal, the comment column for these RPs assured that "staff will instruct permittee[s] to apply for a [Conservation District Use Permit] or provide proof to OCCL [the Office of Conservation and Coastal Lands] that its use/structure is nonconforming". This is the same comment made in this year's master list for the same RPs. As OHA previously recommended, the BLNR clearly should condition the renewal of these RPs on their permittees' proof of compliance with conservation district rules by a specific time. In addition to this, OHA recommends any renewal to provide for RP suspension or revocation for lack of timely compliance with conservation district rules. Without a deadline for compliance, there is little to assure the BLNR or the public that the permittees and Land Division staff will in fact work to bring these RPs and their covered uses into compliance with laws protecting our most environmentally and culturally significant lands and resources.

Fourth, OHA again asks that RP renewal recommendations also include an indication as to the "ceded" and public land trust status of each parcel. OHA has a substantial stake in the appropriate use and disposition of the State's "ceded" lands, which were acquired without the

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<sup>3</sup> OHA also previously recommended that any future water license for Polipoli Spring include: 1) The amount of water to be diverted or conveyed; 2) A study of the environmental and cultural impacts that may result from the conveyance and use of water from Polipoli spring, including conditions and limitations to mitigate or obviate such impacts; 3) The methodology used or proposed for setting the lease rent or license fee, to include a consideration of the instream value of the conveyed water had it not been diverted, as well as the cost benefits to Maui County residents, including, but not limited to, OHA beneficiaries; 4) Provisions for license renegotiation or revocation upon: a. Significant changes in policy, or economic considerations associated with conveyance of relevant ceded lands to a federally-recognized Native Hawaiian Governing Entity, provided that renegotiation pursuant to such terms shall be initiated no later than ninety days following the conveyance of the relevant ceded lands; b. Significant environmental or cultural changes, or new information relating to potential environmental or cultural impacts that would counsel modification of license terms and conditions had they been known upon issuance of the license; or c. Legal changes, including the assertion of competing water rights or claims or water management area designation by the Commission on Water Resource Management, which may require a reevaluation of the amount of water that can be lawfully allocated to the licensee.



consent of the Native Hawaiian people, and most of which are classified as public land trust lands held in trust for the benefit of Native Hawaiians and the public. As the trustee of the “ceded” lands and the public land trust, the BLNR also has specific fiduciary and moral obligations with respect to the use and disposition of such lands. Accordingly, an indication of the ceded and public land trust status of parcels being recommended for renewed RPs may assist both OHA and the BLNR in applying an appropriate level of scrutiny to their disposition.

Finally, OHA also reiterates its request that RP renewal recommendations include explicit, substantive considerations relevant to the BLNR’s primary, public trust duties to conserve and protect Hawai‘i’s natural and cultural resources. Such duties include the fulfillment of the constitutional mandate that the state “conserve and protect Hawai‘i’s . . . natural resources . . . and shall promote the development and utilization of these resources in a manner consistent with their conservation and in furtherance of the self-sufficiency of the state. All public natural resources are held in trust by the state for the benefit of the people.”<sup>4</sup> The BLNR also holds a constitutional duty to protect cultural resources, as well as the practices which rely upon them.<sup>5</sup> Accordingly, OHA urges the provision of additional express information for all RP renewal recommendations, consistent with the BLNR’s public trust duties, such as: the date of the last affirmative review of permit holders’ compliance with permit terms; an indication as to any culturally or environmentally significant or sensitive areas or resources within or adjacent to each RP parcel; and an indication of any previous or potential future uses within or adjacent to each parcel which may result in cumulative impacts to natural and cultural resources.

In summary, the draft master list does not provide sufficient information for the BLNR to make an informed decision on whether to approve or appropriately condition the renewal of the listed RPs; and, for OHA and other interested agencies and the public to provide more specific comments on them. As requested in past comment letters and testimonies, OHA urges that the RP master list be revised to more fully reflect the Task Force recommendations adopted by the BLNR, as well as include additional information needed by the BLNR to uphold its public trust duties.

Mahalo for the opportunity to comment. Should you have any questions, please contact Kamakana Ferreira, OHA Compliance Specialist, at (808) 594-0227 or [kamakanaf@oha.org](mailto:kamakanaf@oha.org).

‘O wau iho nō me ka ‘oia ‘i‘o,



Kamana‘opono M. Crabbe, Ph.D.  
Ka Pouhana, Chief Executive Office

KC:kf

CC: Colette Y. Machado, Ke Kua ‘O Moloka‘i a me Lana‘i, OHA Trustee Chair  
Carmen Hulu Lindsey, Ke Kua ‘O Maui, OHA Trustee

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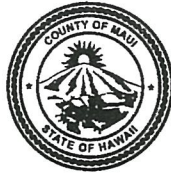
<sup>4</sup> HAW. CONST. ART. XI SEC. 1

<sup>5</sup> HAW. CONST. ART. XII SEC. 7; Ka Pa‘akai o ka ‘Āina v. Land Use Comm’n, 94 Hawai‘i 31 (2000).

ALAN M. ARAKAWA  
Mayor

MICHELE CHOUTEAU MCLEAN  
Director

JOSEPH W. ALUETA  
Deputy Director



COUNTY OF MAUI  
**DEPARTMENT OF PLANNING**

September 5, 2018

Mr. Richard Howard, Land Agent  
Department of Land and Natural Resources  
Land Division  
P.O. Box 621  
Honolulu, Hawaii 96809

Dear Mr. Howard:

**SUBJECT: REQUEST FOR COMMENT (RFC) ON ANNUAL RENEWAL OF  
REVOCABLE PERMITS FOR THE COUNTY OF MAUI, HAWAII  
(RFC 2018/0073)**

We are in receipt of the request from your office for comments on the specific revocable permits enclosed in your transmittal. The County of Maui, Department of Planning (Department) does not have any comments on most of the applications. There is one (1) revocable permit, your document number rp7783 for The Harry and Jeanette Weinberg Foundation at Tax Map Key (TMK) 4-5-001:009-A that the Department would like to flag for your permit renewal. Because the Bubba Gump's Restaurant is located within the Lahaina Historic District, there are specific guidelines that must be adhered to. We issued a Historic District Approval (HDX 2009/0019, HDA 2009/0014) on October 2, 2009 and one of the conditions is as follows, "That no artificial light from floodlights, uplights, or spotlights be used for decorative or aesthetic purposes for illuminating the shoreline and ocean waters or is directed to travel across property boundaries toward the shoreline and ocean waters." Currently, there are lights facing the ocean and we have record of a complaint about signs with lighting that is left on throughout the night and early morning hours. In addition, the Applicant has received a Notice of Warning (NOW) (RFS 12-0002347) dated November 28, 2012 from our Department for having an unpermitted bench and signs that are not in compliance with Maui County Code (MCC), Section 19.52.030. Because they are one of your permitted tenants, we would appreciate your assistance in bringing them into compliance with the County's Lahaina Historic District Guidelines.

Should you have any questions, please feel free to contact Staff Planner Tara Furukawa by email at [tara.furukawa@mauicounty.gov](mailto:tara.furukawa@mauicounty.gov) or by phone (808) 270-7520.

Sincerely,

  
MICHELE MCLEAN  
Planning Director

**EXHIBIT "Z"**

Mr. Richard Howard, Land Agent  
September 5, 2018  
Page 2

Attachments

xc: Clayton I. Yoshida, AICP, Planning Program Administrator (PDF)  
Tara K. Furukawa, Staff Planner (PDF)  
Richard Howard, Department of Land and Natural Resources (PDF)  
Project File

MCM:TKF:ela

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