

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

September 27, 2019

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

PSF No.: 19HD-114

HAWAII

Cancellation of Revocable Permit No. S-7662, Parker Ranch, Inc., Permittee;  
Request for Waiver of Requirement for Conducting Phase I Environmental Site  
Assessment upon Cancellation of Revocable Permit No. S-7662, Upper Paauhau,  
Hamakua, Hawaii, Tax Map Key: (3) 4-4-014:004; and

Authorize the Division of Forestry and Wildlife to Conduct a Public Hearing on the  
Island of Hawai'i Regarding the Proposed Addition of Tax Map Key: (3) 4-4-  
014:004 comprising 101.4 acres more or less, to Mauna Kea Forest Reserve, Upper  
Paauhau, Hamakua, Hawaii.

APPLICANT:

Hawaii State Department of Land and Natural Resources, Division of Forestry and Wildlife  
(DOFAW).

LEGAL REFERENCE:

Sections 171-13 and -55, Hawaii Revised Statutes (HRS), as amended.  
Section 183-11 and -12, HRS, as amended.

LOCATION:

Portion of Government lands of Upper Paauhau situated at Hamakua, Hawaii, identified  
by Tax Map Key: (3) 4-4-014:004, as shown on the attached map labeled **Exhibit A**.

AREA:

101.4 acres, more or less.

ZONING:

State Land Use District: Agriculture  
County: Hawaii CZO: A-40a

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act  
DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: No

CURRENT USE STATUS:

Encumbered by Revocable Permit No. S-7662, Parker Ranch, Inc., Permittee, for pasture purposes only. Commenced on May 1, 2011.

CHARACTER OF USE OF PERMIT:

Pasture purposes.

COMMENCEMENT DATE OF PERMIT:

April 18, 2011.

MONTHLY RENTAL:

Monthly rent for Revocable Permit No. S-7662 is \$40.00, in accordance with the Board action of September 28, 2018, item D-1 regarding the annual renewal of revocable permits on Hawaii Island of which the rent was raised from \$27.07 per month, effective from January 1, 2019.

COLLATERAL SECURITY DEPOSIT:

\$80 (twice the monthly rental for the revocable permit).

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

The cancellation of a revocable permit is not a use of State lands or funds and is therefore not a trigger for an environmental assessment under Chapter 343, HRS. The holding of a public hearing on the proposed addition of the subject land to the Mauna Kea Forest Reserve is a planning activity of the sort expressly exempted from environmental review pursuant to Section 343-5, HRS. Accordingly, the present requests before the Board involve no actions that would trigger environmental review under Chapter 343, HRS.

REMARKS:

The Hawaii State Department of Land and Natural Resources (DLNR), Division of Forestry and Wildlife (DOFAW) is undergoing a fencing project around the Mauna Kea Forest Reserve (MKFR) to protect its native forests and palila (*Loxioides bailleui*) critical habitat from the negative impacts of feral ungulates in the area, and also to comply with legal requirements brought on by United State District Court order to permanently remove

feral ungulates from palila critical habitat in MKFR. This particular fencing project consists of an 8.9 mile fence-line bordering a northern portion of MKFR on the parcel encumbered by Revocable Permit No. S-7662 (RP 7662), but also crosses boundaries at two (2) different parcels. The other two other parcels belong to Parker Ranch and DOFAW was given permission to enter.

A right of entry permit (ROE) allowing DOFAW to access State lands of upper Paauhau, Hamakua, Hawaii, currently encumbered by RP 7662 to Parker Ranch, Inc. and identified by TMK: (3) 4-4-014:004, was approved by the Board at its meeting on April 26, 2019, under agenda item D-4. The term of the ROE is for the duration of DOFAW's fence project. Construction of the fence commenced in early May and thus far 1.25 miles of 75" ungulate fence has been built. The portion of the fence that is along the RP area should be completed before the end of August.

Due to the high strategic value for palila mitigation fencing and reforestation, and access to the adjacent Pu'u Mali Mitigation Area, DOFAW now requests cancellation of RP 7662, and permission to conduct a public hearing to add parcel (3) 4-4-014:004 to the Mauna Kea FR. The permittee has been informed of the Department's intention and has provided a memo (See **Exhibit B**) of concurrence. In their memo dated August 27, 2019, Parker Ranch, Inc. has also requested that the Department waive the requirement for a Phase I Environmental Site Assessment (ESA) as stipulated in Additional Condition 14 of their permit, stating that they have not engaged in any activity or stored any materials on the property that would trigger a Phase II ESA. The area was used only for the specified purpose of the permits, which is pasture.

Additional Condition 14 of RP 7662 provides that:


*"Prior to termination or revocation of the subject Permit, Permittee shall conduct a Phase I environmental site assessment and conduct a complete abatement and disposal, if necessary, satisfactory to the standards required by the Federal Environmental Protection Agency, the Department of Health, and the DLNR. Failure to comply with the provisions of this paragraph shall not extend the term of this Permit or automatically prevent termination or revocation of the Permit. The Board, at its sole option, may refuse to approve termination or revocation unless this evaluation and abatement provision has been performed. In addition or in the alternative, the Board may, at its sole option if Permittee does not do so, arrange for performance of the provisions of this paragraph, all costs and expenses of such performance to be charged to and paid by Permittee."*

Based on a review of files for the subject parcel and observations during site inspections by DOFAW prior to, and during fence construction, staff did not find evidence of environmental contamination on the property. Staff recommends the Board authorize waiving the Phase I ESA requirement as required by Additional Condition 14 of the permit.

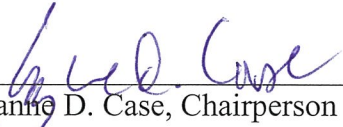
RECOMMENDATION: That the Board:

1. Authorize the cancellation of Revocable Permit No. S-7662 to Parker Ranch, Inc. in the manner specified by law;
2. Waive the requirement of Additional Condition No. 14 regarding the conducting of a Phase I Environmental Site Assessment upon cancellation of Revocable Permit No. S-7662.
3. Pursuant to Section 183-11, HRS, as amended, authorize the Division of Forestry and Wildlife to conduct a public hearing on the Island of Hawai'i regarding the proposed addition of Tax Map Key: (3) 4-4-014:004 comprising 101.4 acres more or less, to Mauna Kea Forest Reserve, Upper Paauhau, Hamakua, Hawaii. Further, pursuant to 183-12, HRS, authorize the Chairperson to:
  - a. Set the date, location and time of the public hearing; and
  - b. Appoint a hearing master(s) for the public hearing.

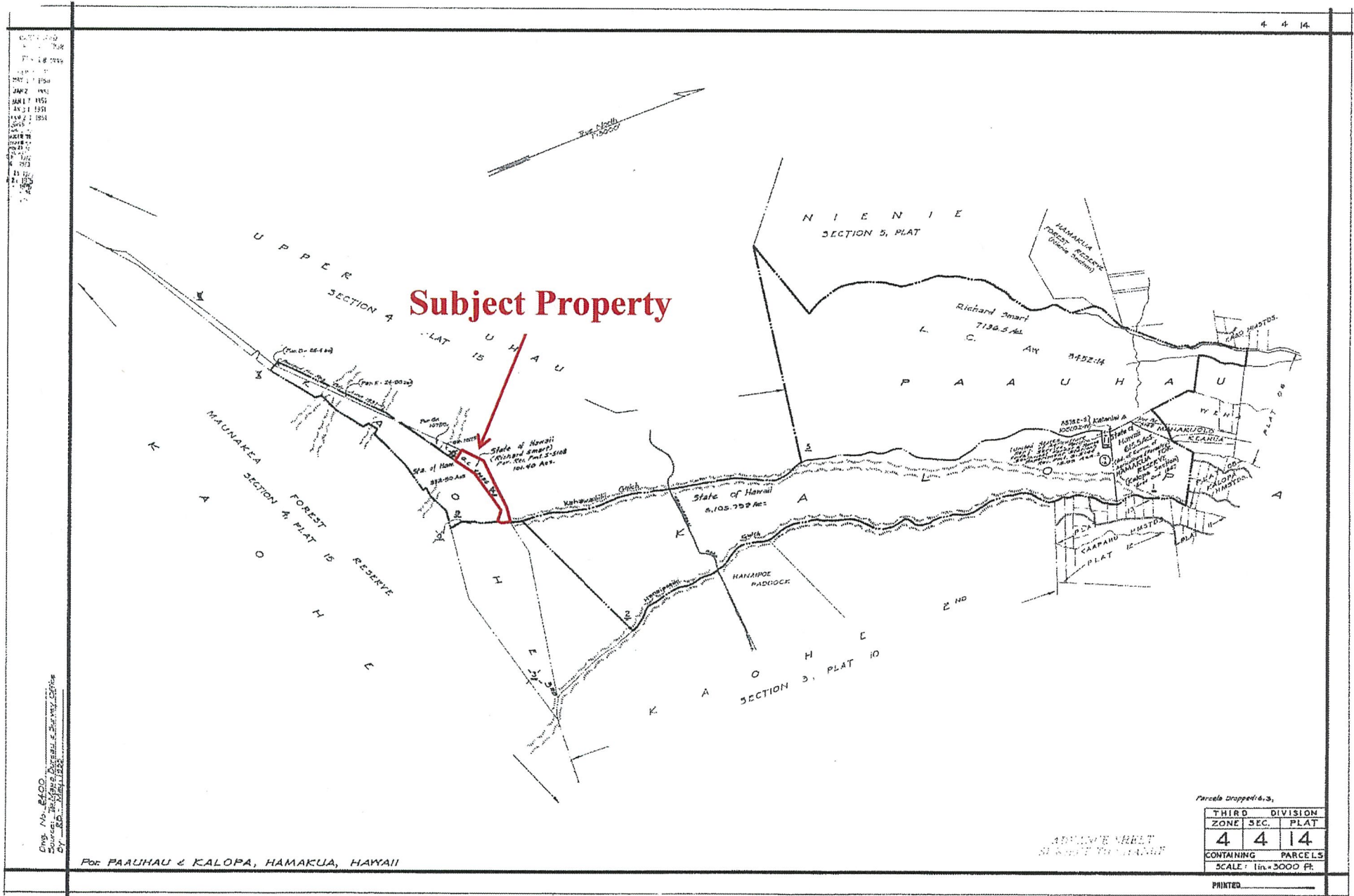
Respectfully Submitted,

  
Gordon C. Heit  
District Land Agent

APPROVED FOR SUBMITTAL:

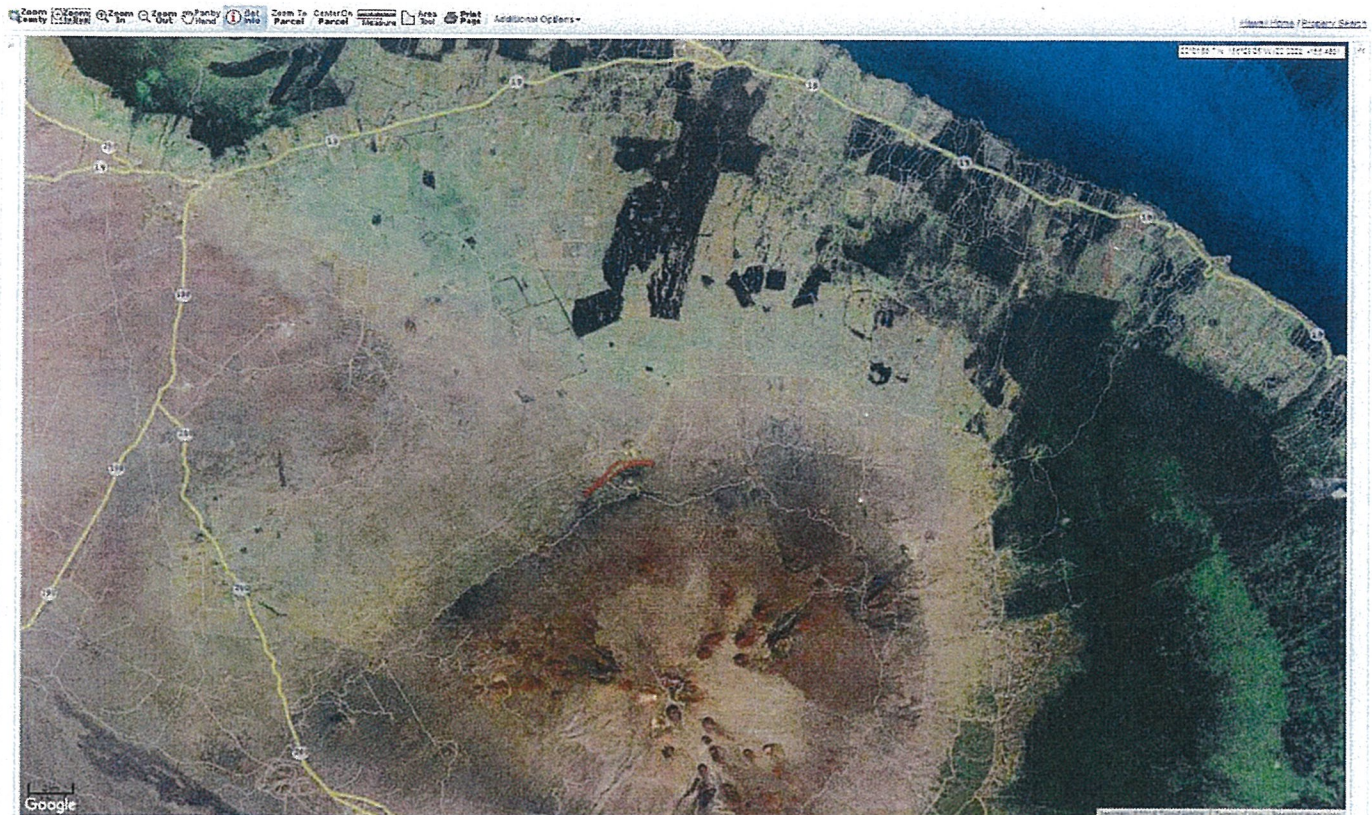
  
Suzanne D. Case, Chairperson

**Cancellation of Revocable Permit No. S-7662**  
**Upper Paauhau, Hamakua, Hawaii; TMK (3) 4-4-014:004**

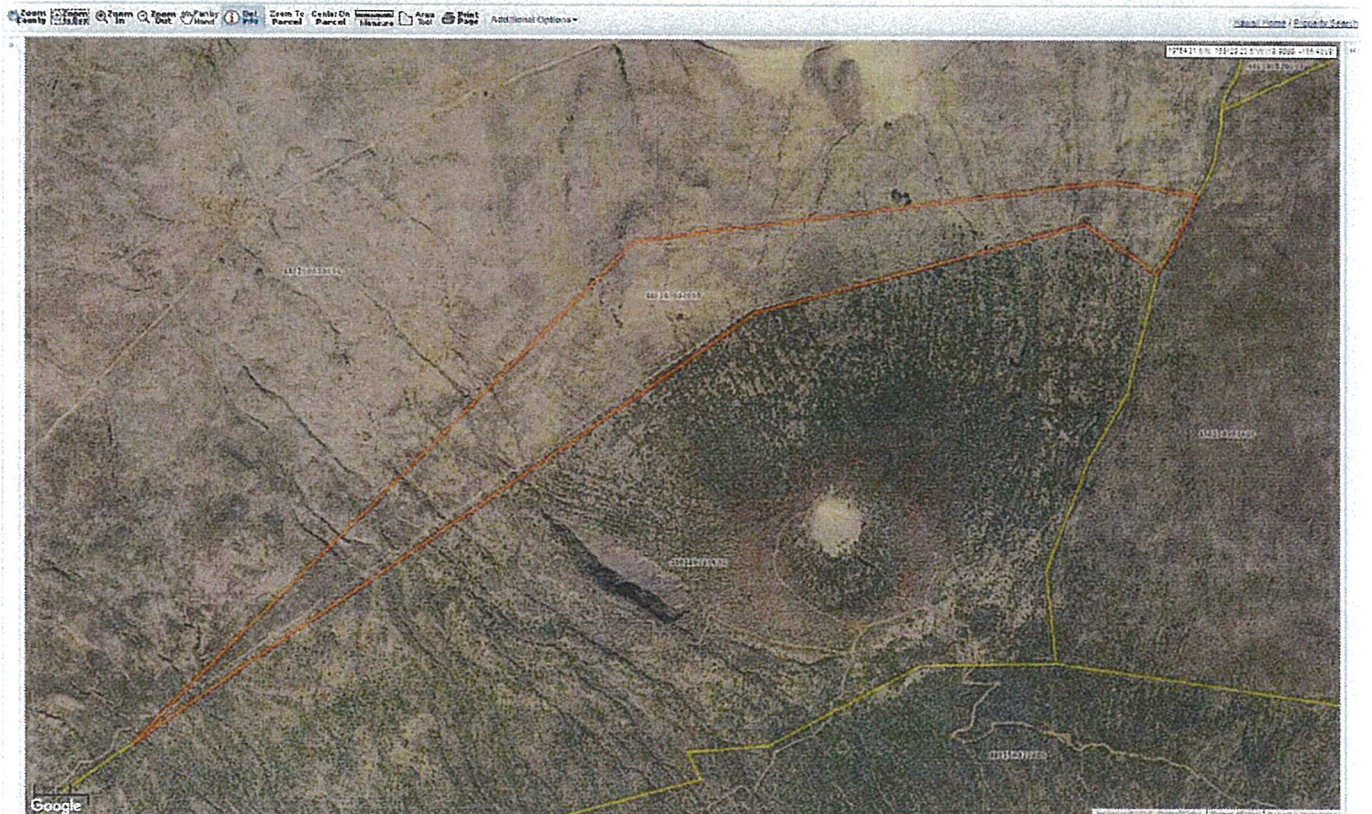


## Exhibit A (1 of 3)

# Cancellation of Revocable Permit No. S-7662 Upper Paauhau, Hamakua, Hawaii; TMK (3) 4-4-014:004



Hawaii County makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein. Its use or interpretation. The assessment information is from the last certified survey. All data is subject to change before the next certified survey. The "parcel" layer is intended to be used for visual purposes only and should not be used for boundary interpretations or other spatial analysis beyond the limitations of the data. The "parcel" data layer does not contain metes and bounds described accuracy therefore, please use caution when viewing this data. Overlaying this layer with other data layers that may not have used this layer as a base may not produce precise results. GPS and imagery data will not overlay exactly.



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# Cancellation of Revocable Permit No. S-7662 Upper Paauhau, Hamakua, Hawaii; TMK (3) 4-4-014:004

## DOFAW Mauna Kea Fence Project

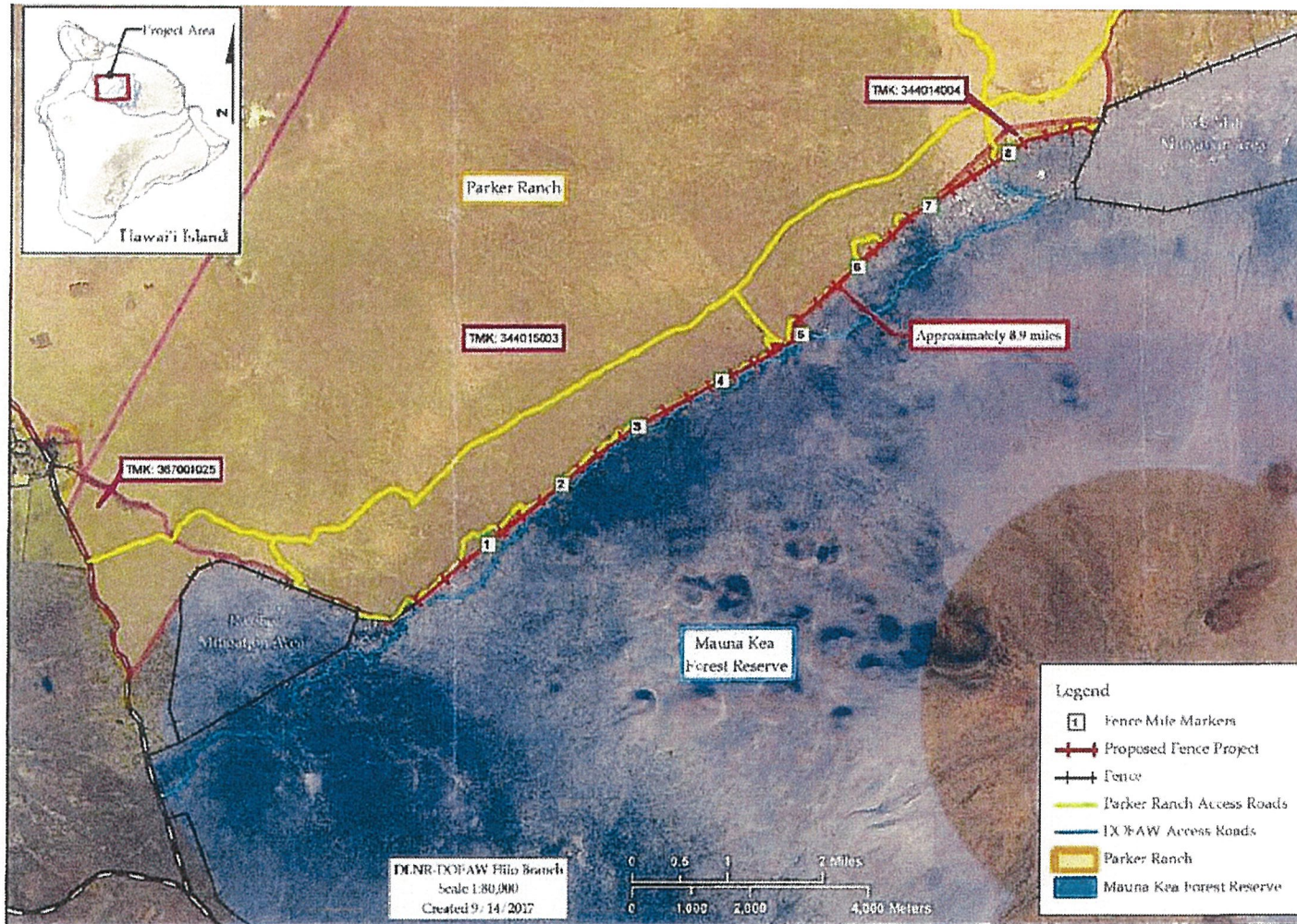
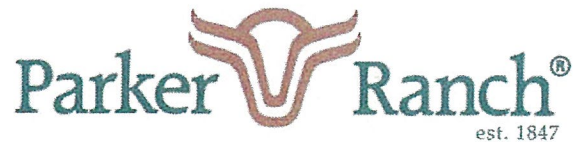


Exhibit B



August 27, 2019

Department of Land and Natural Resources  
Robert K. Masuda, First Deputy Director  
Kalanimoku Building  
1151 Punchbowl St.  
Honolulu, HI 96813

RE: Revocable Permit #S-7662

Dear Bob:

Thank you for your email dated June 19, 2019 informing us of the pending cancellation of Revocable Permit (RP) #S-7662, adjacent to Mauna Kea Forest Reserve, and plans to add it to the Forest Reserve as discussed in our meeting a few months ago.

Upon returning the RP #S-7662 land to DLNR, Parker Ranch requests that the Department of Land and Natural Resources waive the Phase I ESA requirement listed in Condition #B-14.

*14. Prior to termination or revocation of the subject Permit, Permittee shall conduct a Phase I environmental site assessment and conduct a complete abatement and disposal, if necessary, satisfactory to the standards required by the Federal Environmental Protection Agency, the Department of Health, and the DLNR. Failure to comply with the provisions of this paragraph shall not extend the term of this Permit or automatically prevent termination or revocation of the Permit. The Board, at its sole option, may refuse to approve termination or revocation unless this evaluation and abatement provision has been performed. In addition, or in the alternative, the Board may, at its sole option if Permittee does not do so, arrange for performance of the provisions of this paragraph, all costs and expenses of such performance to be charged to and paid by Permittee.*

Parker Ranch has not engaged in any activity or stored any materials on this RP property that would result in the release of environmental contaminants or hazardous materials on the property, and Parker Ranch has no knowledge of any such materials being used on the property. Parker Ranch has used the area for only for the specified purpose in the permit, which is pasture.

Thank you for considering our request.

Sincerely,

Wahua Guilloz, Vice President & Corporate Secretary

66-1304 Mamalahoa Hwy. • Kamuela, Hawaii 96743  
Telephone: (808) 885-7311 • Facsimile: (808) 887-1158  
[www.parkerranch.com](http://www.parkerranch.com)