

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

February 12, 2021

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

PSF No.: 20HD-106

Hawaii

Cancellation of Revocable Permit No. S-7708 to Manuel C. Rapozo, III and Issuance of Month-to-Month Revocable Permit to Peter N. Abarcar, Jr. and Lisa A.R. Abarcar for Pasture Purposes; Kalopa Homesteads, Hamakua, Hawaii, TMK: (3) 4-4-003:003 portion and 047.

APPLICANT:

Manuel C. Rapozo, III (permittee, deceased), and Peter N. Abarcar, Jr. and Lisa A.R. Abarcar, husband and wife, tenant by the entirety (applicant).

LEGAL REFERENCE:

Sections 171-13 and -55, Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government lands described as Kalopa Homesteads, Hamakua, Hawaii, identified by Tax Map Key: (3) 4-4-003:003 portion and 047, as shown on the attached map labeled Exhibit A.

AREA:

27.32 acres, more or less.

ZONING:

State Land Use District:	Agriculture
County of Hawaii CZO:	A40A, 40-acre agriculture

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act

DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: YES

CURRENT USE STATUS:

Encumbered.

CHARACTER OF USE:

Pasture purposes.

COMMENCEMENT DATE:

The first day of the month to be determined by the Chairperson.

MONTHLY RENTAL:

The previous rent for this property was set at \$41.20 per month. Staff is recommending a continuation of the same rent based on the recent annual renewal of revocable permits approved by the Board at its meeting of December 11, 2020 under agenda item D-6.

COLLATERAL SECURITY DEPOSIT:

Twice the monthly rental.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with Hawaii Administrative Rules (HAR)§ 11-200.1-16 (a)(1) and the Exemption List for the Department of Land and Natural Resources reviewed and concurred on by the Environmental Council on November 10, 2020, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 1 that states, "Operations, repairs or maintenance of existing structures, facilities, equipment, or topographical features, involving minor expansion or minor change of use beyond that previously existing," and Item 44 that states, "Permits, licenses, registrations, and rights-of-entry issued by the Department that are routine in nature, involving negligible impacts beyond that previously existing." (Exhibit B)

DCCA VERIFICATION:

Not applicable as individuals are not required to register with the DCCA.

JUSTIFICATION FOR REVOCABLE PERMIT :

This property is being processed as a month-to-month revocable permit as it does not have a legal access from a public roadway and therefore does not qualify for long-term lease at public auction.

REMARKS:

At its meeting of June 19, 1998, under agenda item D-32, the Board authorized the issuance of Revocable Permit No. S-7158 to Manuel C. Rapozo, III for pasture purposes. Mr. Rapozo had been grazing cattle on family properties adjacent to the State land and wished to include

the State parcel (047) into his grazing area. The portion of parcel 003 being used for access purposes was a former gravity railroad system built by the plantations to transport sugarcane down slope.

Then at its meeting of November 22, 2010, under agenda item D-1, the Board authorized the cancellation and re-issue of a new revocable permit to Mr. Rapozo reflecting the terms and conditions of the most current RP form.

Mr. Rapozo passed away in June 2020. His daughter and son-in-law, Lisa and Peter Abarcar have continued managing the cattle operation they ran with Mr. Rapozo and wish to maintain the utilization of the subject area for pasture purposes. As this is a continuation of the family owned cattle operation, staff is recommending the waiver of the Phase I environmental site assessment.<sup>1</sup>

The Applicants have not had a lease, permit, easement or other disposition of State lands terminated within the last five years due to non-compliance with such terms and conditions. There have been no other applicants requesting use of these parcels.

Request for comments were sent to various government agencies and their responses are listed below.

<i>County of Hawaii Agencies</i>	<i>Comments</i>
Environmental Management	No Comments
Planning	No Response
Public Works	No Comments
<i>State of Hawaii Agencies</i>	<i>Comments</i>
DLNR-Historic Preservation	No Response
DLNR-DOFAW	No Comments
DLNR-CWRM	No Response
DHHL	No Comments
Dept. of Agriculture	No Objections
<i>Other Agencies</i>	<i>Comments</i>
Office of Hawaiian Affairs	Comments Below
USDA-NRCS	No Response

The Office of Hawaiian Affairs has requested a clarification as to why a long-term disposition has not been considered for this parcel of State land. Although the TMK maps indicate homestead roads adjacent to the parcel, these roads do not physically exist and are considered “paper roads.” The subject property is unsuitable for lease at public auction as it is not accessible to the general public but can be reached through the applicant’s adjacent property.

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<sup>1</sup> RP S-7708 - Page 7, B-14. Prior to termination or revocation, permittee shall conduct a Phase I environmental site assessment

Staff is recommending the Board cancel Revocable Permit No. S-7708 to Manuel C. Rapozo, III and issue a new permit to Peter N. Abarcar, Jr. and Lisa A.R. Abarcar.

RECOMMENDATION: That the Board:

1. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Chapter 11-200.1, 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. Authorize the cancellation of Revocable Permit No. S-7708 to Manuel C. Rapozo, III and issue a new permit to Peter N. Abarcar, Jr. and Lisa A.R. Abarcar, covering the subject area for pasture purposes under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:
  - a. The standard terms and conditions of the most current revocable permit form, as may be amended from time to time;
  - b. Applicant shall apply as a cooperator with the Hamakua Soil and Water Conservation District;
  - c. Waive the requirement for the permittee to perform a Phase I environmental site assessment on subject property;
  - d. Review and approval by the Department of the Attorney General; and
  - e. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,

*Gordon C. Heit*

KEM

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Gordon C. Heit  
District Land Agent

APPROVED FOR SUBMITTAL:

*Suzanne D. Case*

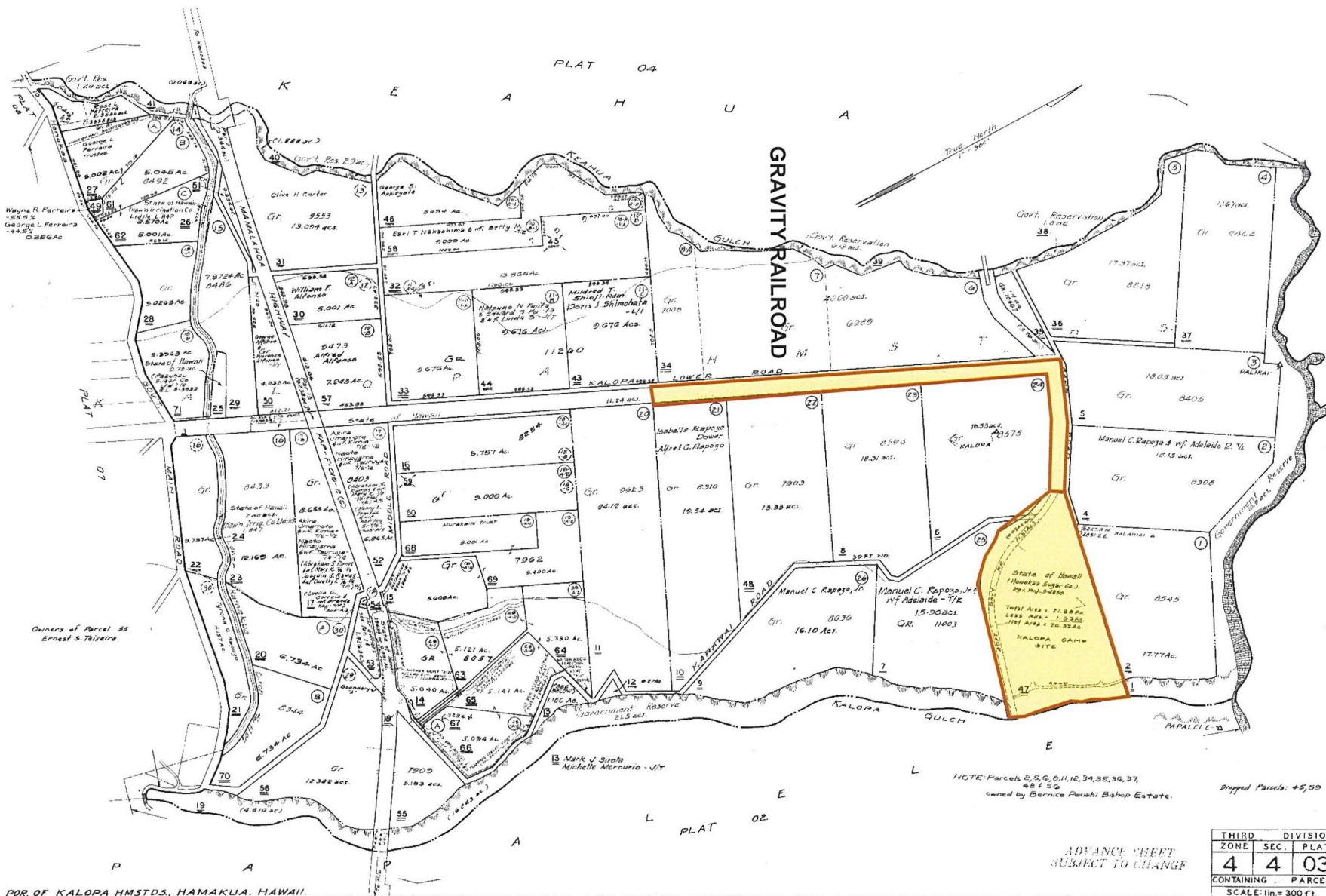
RT

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Suzanne D. Case, Chairperson



# EXHIBIT A



POR OF KALOPE HAMLETS, HAMAKUA, HAWAII.

THIRD	DIVISION
ZONE	SEC. PLAT
4	4 03
CONTAINING	PARCELS
SCALE: 1 in = 300 ft.	



RP S-7708

Legend

- Mauna
- RP S-7708

Hawaiian Islands

Hawaii

Hilo

19 190

Kailua-Kona

Island of Hawai'i

11

137

Hohonu Seamount

Papau Seamount

Loihi Seamount

Google Earth

Image Landsat / Copernicus

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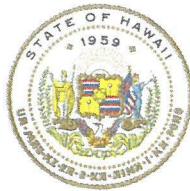
Data LDEO-Columbia, NSF NOAA

Data SIO, NOAA, U.S. Navy, NGA, GEBCO



50 mi





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

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

January 15, 2021

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

**ROBERT K. MASUDA**  
FIRST DEPUTY

**M. KALEO MANUEL**  
ACTING 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

**EXEMPTION NOTIFICATION**

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

**Project Title:** Request for Revocable Peter N. Abarcar, Jr. and Lisa A.R. Abarcar for Pasture. Purposes.

**Project / Reference No.:** PSF No. 20HD-106

**Project Location:** Kalopa Homesteads, Hamakua, Hawaii, Tax Map Key: (3) 4-4-003:003 (portion), and 047.

**Project Description:** The requested parcel is currently encumbered under RP S-7708 for pasture purposes. The Permittee, Manuel Rapozo, passed away in June 2020. His daughter and son-in-law would like to continue utilizing the State land for pasture purposes. The applicants have worked for several years with Mr. Rapozo managing the subject parcel and the adjacent family owned lands.

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

**Exemption Class No. and Description:** Administrative Rules (HAR)§ 11-200.1-16 (a)(1) and the Exemption List for the Department of Land and Natural Resources reviewed and concurred on by the Environmental Council on November 10, 2020, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 1 that states, "Operations, repairs or maintenance of existing structures, facilities, equipment, or topographical features, involving minor expansion or minor change of use beyond that previously existing," and Item No. 44 that states, "Permits, licenses, registrations, and rights-of-entry issued by the Department that are routine in nature, involving negligible impacts beyond that previously existing."

**Cumulative Impact of Planned Successive Actions in Same Place Significant?:** No. Staff believes there are no cumulative impacts involved.

**EXHIBIT B**

**Action May Have  
Significant Impact on  
Particularly Sensitive  
Environment?:**

No. There are no particularly sensitive environmental issues involved with the proposed use of the property.

**Analysis:**

The land is currently used for pasture purposes under RP S-7708. However, the permittee recently passed away. This request for a new revocable permit would allow family members of the former permittee to continue utilizing the State parcel.

**Consulted Parties:**

DLNR – SHPD, DOFAW, CWRM. OHA, DOA, DHHL. County of Hawaii, Planning, Public Works, Environmental Management. Federal, NRCS .

**Recommendation:**

It is anticipated the issuance of a new permit to applicants in itself will probably have minimal or no significant effect on the environment and is presumed to be exempt from the preparation of an environmental assessment. It is recommended that the Board of Land and Natural Resources find that the issuance of the permit is exempt from the preparation of an environmental assessment.