

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

February 11, 2022

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

PSF No.: 21KD-016

Kauai

Issuance of Revocable Permit to John Mattos for Cattle Holding and Corral Purposes,  
Kekaha, Waimea (Kona), Kauai, Tax Map Key: (4) 1-2-002:041.

APPLICANT:

John Mattos, a married man, Tenant in Severalty.

LEGAL REFERENCE:

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

LOCATION:

Portion of Government lands of Kekaha situated at Kekaha, Waimea (Kona), Kauai,  
identified by Tax Map Key: (4) 1-2-002:041, as shown on the attached map labeled  
Exhibit A.

AREA:

2 acres, more or less.

ZONING:

State Land Use District:     Agriculture  
County of Kauai CZO:       AG

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:

Vacant and unencumbered.

CHARACTER OF USE:

Cattle Holding and Corral Purposes.

COMMENCEMENT DATE:

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

MONTHLY RENTAL:

\$40.98 per month

COLLATERAL SECURITY DEPOSIT:

Twice the monthly rental.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

See Exemption Notification attached below as Exhibit B.

DCCA VERIFICATION:

Not applicable. As an individual, Applicant is not required to register with DCCA.

JUSTIFICATION FOR REVOCABLE PERMIT:

At this time, staff believes that a month-to-month tenancy for cattle holding and corral purposes is the appropriate disposition since no other parties have expressed interest to utilize/lease the subject area. In addition, the potential revenue to be generated by a lease for agricultural uses may not be sufficient to justify the investment of staff time and resources required to conduct a public auction for a sale of lease of the property. Staff will contact the Department of Agriculture to determine whether it has any interest a set-aside of the land pursuant to Act 90 Session Laws of Hawaii 2003.

REMARKS:

The subject parcel was encumbered from May 1, 1974 to June 30, 1981 by Revocable Permit (RP) No. S-5045 and from July 1, 1981 to February 21, 2000, by RP No. S-5866. Both permits were for corral purposes to Kekaha Sugar Company, Ltd. (KSC). KSC officially ceased all operations in November 2000 and their RP was cancelled. For unknown reasons, when RP No. S-5866 was cancelled, the Department did not require KSC to remove the improvements resulting in the Department assuming ownership of

them. The property has been vacant and unencumbered since February 21, 2000 and the improvements have deteriorated over the years. Mr. Mattos is willing to accept the improvements in their current condition and will repair and/or replace them at his own expense.

A monthly rental rate of \$40.98 was derived from the 2018 DLNR Revocable Permits Appraisal Report. Annual rent in 2018 for similar agriculture lands within a close vicinity of the subject was \$225 per acre per year (\$18.75 per acre per month). The annual market rent was estimated by employing a bracketing analysis using direct market comparison with other leases to tenant farmers on the islands of Oahu and Kauai. Following the approach used for annual RP renewals in the relevant period, the rent was calculated by the Land Division by starting with \$18.75 per acre and increasing the 2019 rent by 3% over the 2018 rent (\$19.31 per acre per month), and the 2020 rent was increased by 3% over the 2019 rent (\$19.89 per acre per month). DLNR did not increase the rents for 2021 due to Covid19, and the 2022 rent was increased by 3% over the 2021 rent (\$20.49 per acre per month).

John Mattos has not had a lease, permit, easement, or other disposition of State lands terminated within the past five years due to non-compliance with such terms and conditions.

To date, no other parties have expressed interest to utilize lease the subject area.

John Mattos is qualified and capable of successfully maintaining the subject land for cattle holding and corral purposes. John Mattos is a certified rancher and has been working with livestock since 1990. John Mattos intends on using the State parcel as a holding pen and corral. The local slaughterhouse only accepts cattle on Thursdays and Fridays to be slaughtered on Saturdays. Having this 2-acre corral system would allow the local ranchers to do a roundup the weekend before and store the cattle in the corrals for a few days until they are able to trailer them to the slaughterhouse on Thursday.

John Mattos plans on clearing any overgrown trees/bushes, repairing the corrals so that they are operational and fencing off the entire property. In fencing off the property, they will inhibit people from dumping cars and garbage onto the State parcel.

The following State and County of Kauai (COK) agencies were consulted on this action with the results indicated:

Agency:	Comment:
Office of Hawaiian Affairs	No response by suspense date
Department of Hawaiian Home Lands	No response by suspense date
Historic Preservation Division	No response by suspense date
Division of Forestry and Wildlife	No response by suspense date
Department of Agriculture	No response by suspense date
COK Planning Department	No response by suspense date

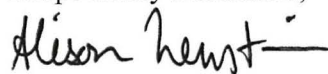
COK Department of Public Works	No response by suspense date
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The proposed use was established since at least 1974 and will continue. Such use has resulted in no known significant impacts, whether immediate or cumulative, to the natural, environmental and/or cultural resources in the area. As such, staff believes that the proposed use would involve negligible or no expansion or change in use of the subject area beyond that previously existing.

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 issuance of a revocable permit to John Mattos covering the subject area for cattle holding and corral 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. Review and approval by the Department of the Attorney General; and
  - c. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

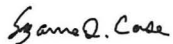
Respectfully Submitted,



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Alison Neustein  
District Land Agent

APPROVED FOR SUBMITTAL:



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Suzanne D. Case, Chairperson

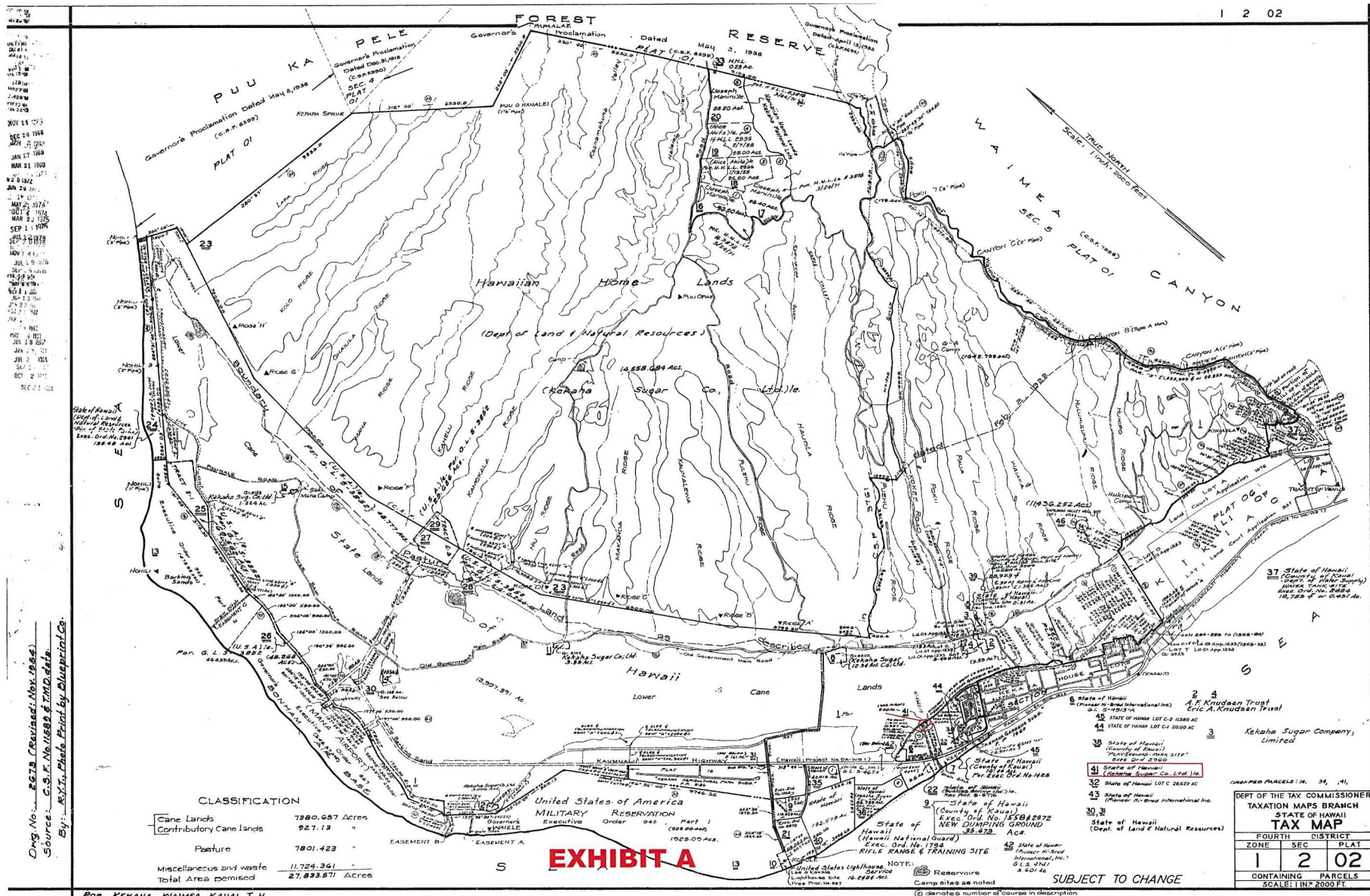
RT





**EXHIBIT A**





Dwg. No. 2673 (Revised: Nov. 1954)  
Source: C.S.F. No. 11589 of T.M.D. data.  
By: R.Y.T., Photo Print by Blueprint Co.

POR. KEKANA, WAIMEA, KAUAI, T. H.

DAVID Y. IGE  
GOVERNOR OF HAWAII



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

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

3060 Eiwa Street, Room 208  
Lihue, Hawaii 96766  
PHONE: (808) 274-3491  
FAX: (808) 241-3535

February 11, 2022

**EXEMPTION NOTIFICATION**

Regarding the preparation of an environmental assessment pursuant to Chapter 343, Hawaii Revised Statutes (HRS), and Chapter 11-200.1-15, Hawaii Administrative Rules (HAR):

<b>Project Title:</b>	Issuance of Revocable Permit to John Mattos for Cattle Holding and Corral Purposes
<b>Project / Reference No.:</b>	PSF No. 21KD-016
<b>Project Location:</b>	Kekaha, Waimea (Kona), Kauai, Tax Map Key: (4) 1-2-002:041
<b>Project Description:</b>	Issuance of Revocable Permit to John Mattos for Cattle Holding and Corral Purposes
<b>Chap. 343 Trigger(s):</b>	Use of State land.
<b>Exemption Class No. and Item No.:</b>	In accordance with Hawaii Administrative Rules (HAR) § 11-200.1-16 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 General Exemption Type 1, Part 1, that states "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." Item 44, which 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**

**Cumulative Impact of  
Planned Successive  
Actions in Same Place  
Significant?**

No, the request is a single occurrence in the area.

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

No, the action proposed will have no significant impact to any particularly sensitive environment.

**Analysis:**

Since at least 1974, the subject property has been used for cattle holding and corral purposes. As such, staff believes that the requests would involve negligible or no expansion or change in use of the subject area beyond that previously existing.

**Consulted Parties:**

Comments from The State Historic Preservation Division, Office of Hawaiian Affairs, Department of Hawaiian Home Lands, Division of Forestry and Wildlife, Department of Agriculture, COK Public Works Department, and COK Planning were solicited. No agency had any objection by the suspense date to the proposed exemption.

**Recommendation:**

That the Board find the proposed project will probably have minimal or no significant effect on the environment and is therefore presumed to be exempt from the preparation of an environmental assessment.

## **EXHIBIT B**