

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

November 9, 2023

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

PSF 22MD-073  
Maui

Cancellation, by Request, of Revocable Permit (RP) No. S-7529 issued to Solomon Kaauamo, Jr. (now deceased) and Hannah K. Kaauamo; Waive Phase 1 Environmental Site Assessment Requirement in RP S-7529; Wailua Homesteads, Koolau, Hana, Maui, Tax Map Key No. (2) 1-1-004: 013 and 030; 2.99 acres (more or less);

and

Issuance of Immediate Right-of Entry Permit and Revocable Permit to Vance Kainoa Kaauamo and Ashley Kalikolehuanani Kaauamo, Husband and Wife, for Agricultural purposes, Wailua Homesteads, Koolau, Hana, Maui, Tax Map Key No. (2) 1-1-004:030; 1.72 acres (more or less).

APPLICANTS:

For cancellation of RP No. S-7529: Hannah K. Kaauamo.  
For issuance of ROE and new RP: Vance Kainoa Kaauamo and Ashley Kalikolehuanani Kaauamo, Husband and Wife, as tenants by the entirety.

REQUEST:

Cancellation, by request, of Revocable Permit (RP) S-7529 issued to Solomon Kaauamo, Jr. (now deceased) and Hannah K. Kaauamo, husband and wife, as tenants by the entirety, and issuance of a new right-of-entry and revocable permit to Vance Kainoa Kaauamo and Ashley Kalikolehuanani Kaauamo, husband and wife.

LEGAL REFERENCE:

Sections 171-6, -13 and -55, Hawaii Revised Statutes (HRS), as amended.

LOCATION:

Government lands of Wailua Homesteads, Koolau, Hana, Maui, further identified as Tax

Map Key No. (2) 1-1-004: 013 and 030, as shown on the attached maps labeled Exhibits A and B.

AREA:

Cancellation of RP S-7528, Parcels 013 and 030: 2.99 acres (more or less)  
New Proposed Permit Area, Parcel 030: 1.72 acres (more or less)

ZONING:

State Land Use District: Agriculture  
County of Maui CZO: Agriculture

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:

Currently encumbered under RP S-7529, Solomon Kaauamo, Jr. (now deceased) and Hannah K. Kaauamo, husband and wife, as tenants by the entirety, for agricultural purposes.

On October 14, 2022; the Maui District Land Office received written notice from Mrs. Hannah K. Kaauamo that she would like to cancel RP S-7529.

CHARACTER OF USE:

Agricultural purposes.

TERM OF RIGHT-OF-ENTRY:

Commencing upon full execution of a Board-approved immediate management right-of-entry permit (ROE) to Vance Kainoa Kaauamo and Ashley Kalikolehuanani Kaauamo, husband and wife, that shall expire in one year or upon approval and issuance of a revocable permit (RP) to Vance Kainoa Kaauamo and Ashley Kalikolehuanani Kaauamo, husband and wife, whichever shall first occur. The Chairperson will be authorized to continue the ROE for additional one-year periods for good cause shown.

COMMENCEMENT DATE for REVOCABLE PERMIT:

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

MONTHLY RENTAL for ROE and RP:

\$40.00 per month

Recommended rent charged is fair because Parcel 030 is landlocked and the area of use by the applicants is smaller than the area of the former RP S-7529 that encumbered the land. Furthermore, staff is recommending a nominal lease rent of \$40 per month (\$480 per year) which is consistent with other leased taro lands in the Keanae – Wailua region of East Maui.

COLLATERAL SECURITY DEPOSIT:

Twice the monthly rental.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with Hawaii Administrative Rules (HAR) § 11-200.1-15 and -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, 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,” and Part 1, Item 44, “Permits, licenses, registrations, and rights-of-entry issued by the Department that are routine in nature, involving negligible impacts beyond that previously existing.” The subject request is a de minimis action that will probably have minimal or no significant effect on the environment and should be declared exempt from the preparation of an environmental assessment and the requirements of § 11-200.1-17, HAR, as a de minimis action.

DCCA VERIFICATION:

Not Applicable. Applicants are individuals and, as such, are not required to register with DCCA.

REMARKS:

On July 20, 1965, General Lease S-3922 covering the subject area was sold at public auction to Cecilia Kaauamo for a term of twenty (20) years which expired on July 19, 1985. The original lease rent of eighty dollars (\$80.00) per annum remained unchanged throughout the lease term.

On July 11, 1985, under agenda item F-1b, the Board approved Revocable Permit (RP) S-6229, issued to Solomon Kaauamo, Jr. and Hannah K. Kaauamo.

On October 23, 2009, under agenda item D-12, the Board approved the re-issuance of new

revocable permits statewide to by updating the standard revocable permit insurance provisions in order to reduce the State’s liability as landowner. As part of this process, RP S-6229 was replaced by RP S-7529 issued to Solomon Kaauamo, Jr. and Hannah K. Kaauamo, husband and wife, as tenants by the entirety.

On September 23, 2022, under agenda item D-4 the Board approved the annual renewal of RP S-7529. Current rent is \$56.31 per month for use of 2.99 acres for agricultural purposes.

Solomon Kaauamo, Jr. passed away on February 14, 2020. On October 14, 2022, the Maui District Land Office received a written request from Mrs. Hannah K. Kaauamo, who acquired all the interest as permittee under the permit upon her husband’s passing, to cancel RP S-7529 to be made effective upon execution of the subject ROE. Exhibit C. Staff is recommending that the Board cancel Revocable Permit No. S-7529 now held solely by Mrs. Kaauamo.

Final inspection was conducted by DLNR Maui District Land Office staff on October 21, 2022. The premises was found to be in good order. Lands were well maintained with taro cultivation existing on more than half the subject premises. Access over and thru the subject parcel is by foot traffic only. One 6 ft. x 8 ft. tool shed exists on site with no other improvements beyond traditional and customary agriculture terraces and surface water open ditch irrigation systems. There was no indication of the use or presence of hazardous materials on the premises. Staff therefore recommends the waiver of the Phase 1 Environmental Site Assessment required and detailed under Additional Conditions, Section B.14, on page 7 of the permit. See Exhibit D attached, which is a photograph of Parcel 030 taken October 21, 2022. No further land maintenance or administrative action beyond board approval and refund of security deposit is necessary to cancel RP S-7529.

On December 9, 2005, under agenda item D-1, the Board approved the set-aside of the subject premises to the Hawaii Department of Agriculture pursuant (DOA) to Act 90 Session Laws of Hawaii 2003 (Act 90).

Recently, Maui District Land Office staff has been working with DOA staff to accept transfer of property with encumbrances for agriculture purposes. Pursuant to consultation with DOA staff, Ms. Linda Murai, they have no objections to the issuance of an RP for the subject area to person(s) that meet the definition of “bonafide farmer” as a means to more efficiently and effectively implement the legislative intent of Act 90 which is to develop and maintain sustainable agricultural use of public lands that are not needed for other public purposes.

In November of 2022, Vance Kainoa Kaauamo and Ashley Kalikolehuanani Kaauamo, husband and wife, applied for the continued use of the subject premises for agricultural purposes. The subject lands are landlocked and therefore proposed use of the subject area is limited to applicants that have written access over abutting properties that separate the State lands from the nearest public road right of way. Vance Kaauamo has received a Limited Right of Entry Permit from the State Department of Hawaiian Homelands to access

over property located at TMK (2) 1-1-004:008 dated April 1, 2022. See Exhibit E attached. Vance Kaauamo is also recognized as a landowner with interest in the abutting private parcel identified as TMK (2) 1-1-004:025. Vance Kaauamo is the grandson of Hannah Kaauamo and states that he meets the DOA criteria for “bonafide” farmer.

RP S-7529 included both Parcels 013 and 030. These parcels are not contiguous. The applicants are interested only in parcel 030 because of constraints upon motor vehicle access to parcel 013. Therefore, the proposed new permit area has less area than the previous permitted area involving a reduction in acreage from 2.99 acres to 1.75 acres. Because Parcel 030 is landlocked and the area of use by the applicants is smaller than the area of RP S-7529, staff is recommending a nominal lease rent of \$40 per month (\$480 per year) which is consistent with other leased taro lands in the Keanae – Wailua region of East Maui.

Staff recommends that the subject area be disposed via Revocable Permit to Vance Kainoa Kaauamo and Ashley Kalikolehuanani Kaauamo for agriculture purposes.

JUSTIFICATION FOR REVOCABLE PERMIT:

The reason for issuing a Revocable Permit (RP) to Vance Kainoa Kaauamo and Ashley Kalikolehuanani Kaauamo, husband and wife, rather than simply setting aside the area as vacant and unencumbered lands via the approved Executive Order to DOA is that DOA staff has asked DLNR staff to assist with identifying persons that may meet the criteria for being a bonafide farmer in order to better maintain the property while administrative procedures are implemented by DOA to warrant a long term disposition for use of the land. Furthermore, in this case, site issues make property unsuitable for public auction lease. For instance, there is no legal public access and the lot has an irregular shape. At this time, staff supports the recommendation that the existing RP be terminated and a new ROE / RP be reissued for ongoing operations while lands are set aside to the DOA as needed.

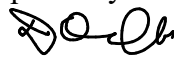
RECOMMENDATION: That the Board:

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 as a de minimis action.
2. Authorize the cancellation of Revocable Permit S-7529 to, Solomon Kaauamo, Jr. and Hannah K. Kaauamo, husband and wife for agricultural purposes to be effective upon execution of the subject ROE.
3. Waive the Phase 1 Environmental Site Assessment required and detailed under Additional Conditions, Section B.14, on page 7, upon cancellation of Revocable

Permit S-7529.

4. Authorize the issuance of an immediate right-of-entry permit to the Vance Kainoa Kaauamo and Ashley Kalikolehuanani Kaauamo covering the subject area 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 right-of-entry permit form, as may be amended from time to time;
  - b. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.
5. Based on the testimony and facts presented, find that approving the revocable permit, under the conditions and rent forth herein, would serve the best interests of the State.
6. Authorize the issuance of a revocable permit to Vance Kainoa Kaauamo and Ashley Kalikolehuanani Kaauamo, husband and wife, as tenants by the entirety, covering the subject area for agricultural 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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Daniel Ornellas  
District Land Agent

← KAM RT

APPROVED FOR SUBMITTAL:

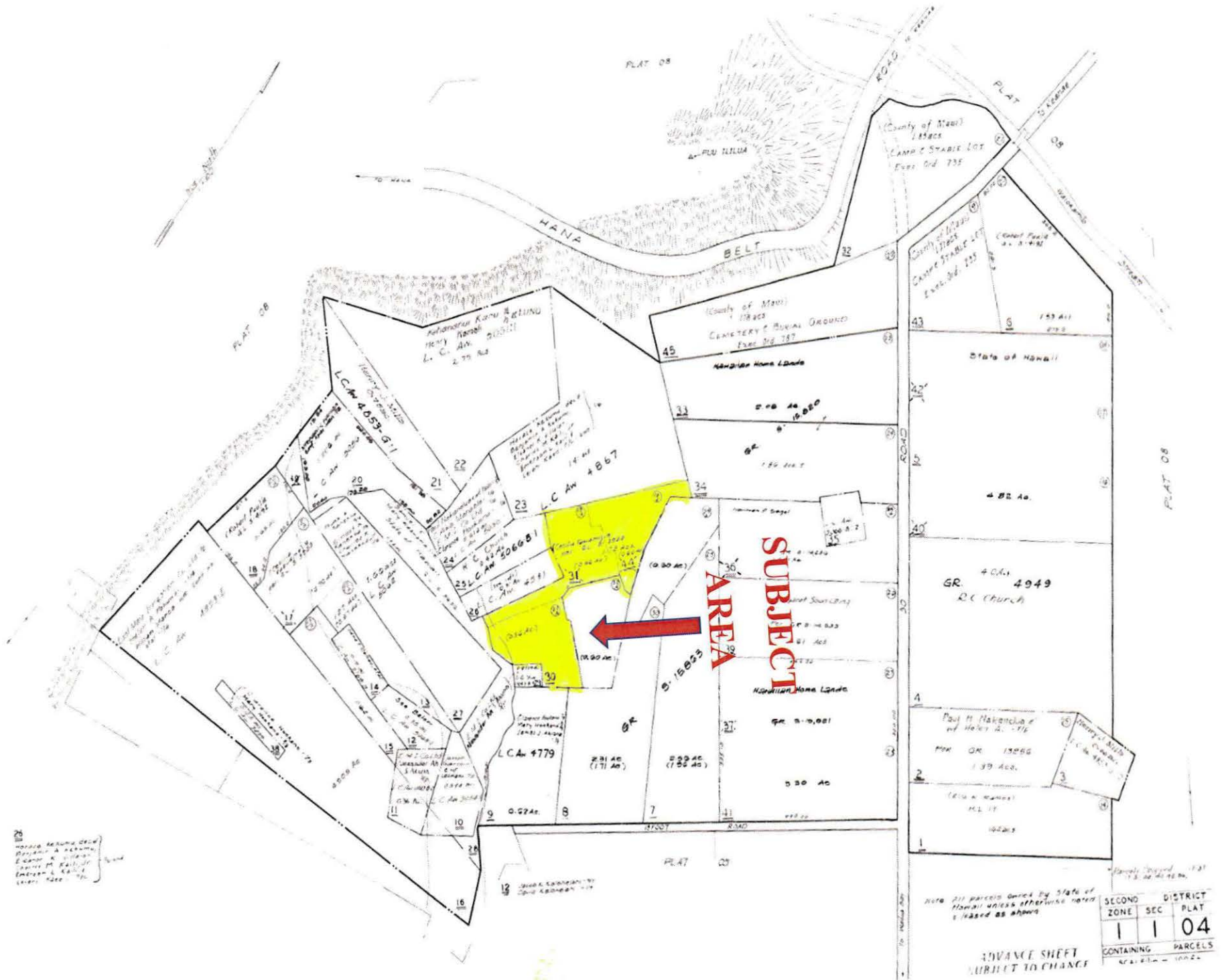


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Dawn N. S. Chang, Chairperson

EXHIBIT A

PL 11 WAII'IA HMSTDS. KOOLAU, HANA, MAUI.

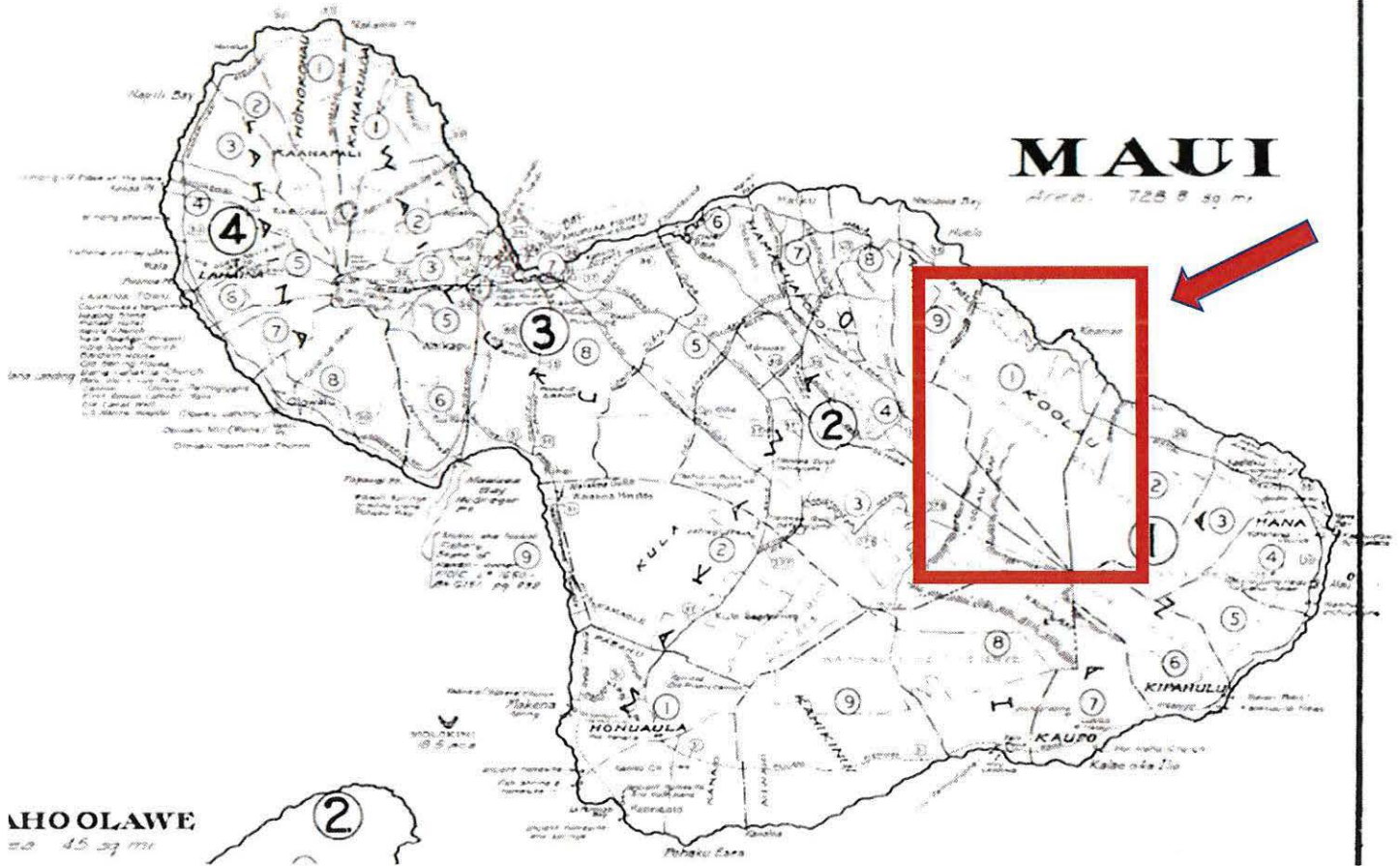


SECOND ZONE	SEC	DISTRICT PLAT
1	1	04
CONTAINING PARCELS		

1923-1924

note: all parcels owned by State of Hawaii unless otherwise noted & listed as above

ADVANCE SHEET SUBJECT TO CHANGE



**EXHIBIT B**



October 14, 2022

To whom it concerns:

My name is Hannah Kaauamo and I currently hold the RP 7529 which includes TMK 110040300000 TMK 11004013000. My grandson Vance (Kaimoa) Kaauamo and his family have been acting on my behalf to farm TMK 110040300000 for the last few years.

I am writing this letter to document that I am ready to end my lease so that they can begin holding their own lease with the State of Hawaii. If you have any questions you can reach me at [REDACTED]

Sincerely,

A handwritten signature in cursive script that reads "Hannah Kaauamo".

Hannah Kaauamo

**EXHIBIT C**

Issuance of Immediate Right-of Entry Permit and Revocable Permit to Vance Kainoa Kaauamo and Ashley Kalikolehuanani Kaauamo, Husband and Wife for Agricultural purposes, Wailua Homesteads, Koolau, Hana, Maui, Tax Map Key No. (2) 1-1-004:030; 1.72 acres (more or less).



**EXHIBIT D**



STATE OF HAWAII  
DEPARTMENT OF HAWAIIAN HOME LANDS

355 KUMU ALE STREET, SUITE 1  
WAILUKU, HAWAII 96793

LIMITED RIGHT OF ENTRY PERMIT

The Department of Hawaiian Home Lands (DHHL), an agency of the State of Hawaii, as PERMITTOR, hereby grants a right of entry to:

Name: Kainoa Kaauamo Phone#: [REDACTED]

Address: [REDACTED] PERMITTEE NAME Fax # \_\_\_\_\_

STREET NUMBER SUITE/APARTMENT NUMBER  
Wailuku, HI 96793  
CITY STATE ZIP CODE

To engage in the following activity:  
Use road to access taro patches.

On the following date(s), time(s) and location(s):

DATE: April 1, 2022 through 2023 Time: \_\_\_\_\_  
Location: 2/1-1-004-008 Lot No. \_\_\_\_\_

Special Conditions: 1) Permittee agrees to sign DHHL Waiver to release all liability of the Department of Hawaiian Home Lands. 2) Permittee shall enter the lot and agrees to keep premises in neat and orderly manner. 3) Permittee is responsible to keep vehicles on pavement. 3) Permittee is responsible for any damages to any infrastructure within the subdivision. 4) Permittee is only allowed hand tools such as Weed Wacker, chain saw, wood chipper, lawn mower, small hand tools. 5) Permittee is NOT allowed to have any type of heavy equipment on lot at any time, nor any type of excavation done. 6) Permittee shall not remove any soil/rocks nor shall Permittee have any alterations of grading/drainage. 7) If Permittee is cutting trees, brush, weeds, all green waste needs to be removed off site and hauled to Maui County Landfill, unless chipped and mulched. 8) Permittee is not allowed to burn or have any fire on site. 9) Permittee shall not have any type of buildings/structures on lot. 10) Permittee is not allowed to camp on lot at any time. 11) Permittee shall obey all posted traffic signs. 12) Permittee is not allowed to hookup utilities until a Building Permit is issued. 13) Permittee will not be reimbursed for expenses, should selectee fail to qualify and defers lot.

**THIS PERMIT IS NOT TRANSFERABLE**

The Permittee hereby assumes the risk for any injuries or damages that may be sustained in the pursuit of the activity while on the premises and does hereby remise, release, and forever discharge the State of Hawaii, its Department of Hawaiian Home Lands, its agents, officers, and employees, from any and all actions, suits, damages, claims or judgements that may result from any personal injury or property damage the Permittee, its agents, its invitees, or its employees may sustain or cause while on the premises of the Department of Hawaiian Home Lands under authority of this permit.

Name  
Date  
Page #

Permittee: Kainoa Kaauamo



PLEASE PRINT NAME of Person Authorized to Sign

SIGNATURE

Date

Approved:

By Toni Eaton  
for William Aila Jr., Chairman,  
Hawaiian Homes Commission

PERMIT NO. 2022-02