

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

October 25, 2024

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

PSF No.: 24HD-095

Hawaii

Issuance of a Revocable Permit to Hawaii Land & Crop, L.L.C., for Pasture Purposes and Issuance of Immediate Management Right-of-Entry to Hawaii Land & Crop, L.L.C., Kaohe, Hamakua, Hawaii, Tax Map Key: (3) 4-3-008:002.

APPLICANT:

Hawaii Land & Crop, L.L.C., a Hawaii limited liability company.

LEGAL REFERENCE:

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

LOCATION:

Portion of Government lands at Kaohe, Hamakua, Hawaii, Tax Map Key: (3) 4-3-008:002, as shown on the attached maps labeled **Exhibit A**.

AREA:

85.70 acres.

ZONING:

State Land Use District: Agriculture
County of Hawaii CZO: A-5a

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:

Vacant and unencumbered

CHARACTER OF USE:

For Revocable Permit: Pasture purposes.
For Right-of-Entry Permit: Removal of invasive plants and species purposes.

COMMENCEMENT DATE:

Right-of-Entry: On execution of ROE permit.
Revocable Permit: First day of the month to be determined by the Chairperson.

MONTHLY RENTAL FOR REVOCABLE PERMIT:

\$142.00 per month as determined Land Division Appraisal Section and approved by the Chairperson on September 30, 2024, attached as **Exhibit B**. No rent will be charged for the right-of-entry as no pasture use of the land will be allowed under the right-of-entry.

COLLATERAL SECURITY DEPOSIT FOR REVOCABLE PERMIT:

Twice the monthly rental, at \$284.00.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with Hawaii Administrative Rule Sections 11-200.1-16 and the Exemption List for the Department of Land and Natural Resources approved by the Environmental Council and dated 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 minor expansion or minor change of use beyond that previously existing," and Part 1, 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," and General Exemption Type 4 that states, "Minor alterations in the conditions of land, water, or vegetation," and Part 1, Item #3 that states, "Removal of invasive vegetation utilizing cutting, mowing, application of federal and state approved herbicides in conformance with label instructions, distribution of biocontrol agents already approved and permitted by the State of Hawaii, and other approved methods. This exemption would not apply to issuing permits for initial releases of biocontrol of invasive species which are regulated and permitted by the Department of Agriculture or commercial logging." The proposed 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.

DCCA VERIFICATION:

Place of business registration confirmed:	YES <u>X</u>	NO ___
Registered business name confirmed:	YES <u>X</u>	NO ___
Applicant in good standing confirmed:	YES <u>X</u>	NO ___

JUSTIFICATION FOR REVOCABLE PERMIT:

- A. Site issues make property unsuitable for public auction lease. Access to subject property is only available through private properties or land owned by the County of Hawaii, or from the mauka direction through the Hamakua Forest Reserve under the management jurisdiction of the Division of Forestry and Wildlife.
- B. Applicant has current lease with neighboring property owner. Hawaii Land & Crop has a lease with Bishop Estate providing Applicant with access to subject property across its northern boundary.
- C. No interest in long-term disposition. Applicant has not expressed an interest in a long-term disposition, staff is unaware of any interest from members of the public in a long-term disposition.

REMARKS:

Hawaii Land & Crop, L.L.C. (HLC) is requesting a month-to-month revocable permit for subject property, which was formerly under General Lease No. S-4002 to Hamakua Sugar Company, Inc. for sugar cane cultivation. HLC would like to use subject property for pasture purposes to expand its current cattle grazing operations. HLC is currently leasing private property to the north and abutting subject property for pasture purposes from Bishop Estate, TMK: (3) 4-3-008:001, with an area of 476.1 acres, as shown on the attached maps labeled **Exhibit C**. HLC has been involved with commercial cattle operations for over eleven years.

Staff recommends the temporary management of subject property through a month-to-month revocable permit (RP). The RP will allow HLC to conduct planned activities including assessments of subject property, installation of barbed wire fencing, installation of water catchment system, and assessment and removal of invasive plants and species from subject property, as referenced in HLC letter **Exhibit D**. It is also staff's recommendation that HLC be issued an immediate management right-of-entry (ROE), with no fee, for the limited purpose of removing invasive plants and species. No pasturing, fence or stock watering system installation

will be allowed under the ROE.

HLC has 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.

A request for comments was distributed to various government agencies with the responses indicated below.

Agency	Response/Comments
State of Hawaii	
Department of Hawaiian Home Lands (DHHL)	Response of no comments
Division of Forestry & Wildlife (DOFAW)	Support lease with request that DOFAW fall trees if needed along common boarder. See Exhibit E.
Office of Hawaiian Affairs (OHA)	No response
County of Hawaii	
Planning Department	No response

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. Based on the testimony and facts presented, find that approving the revocable permit under the conditions and rent set forth above is in the best interest of the State.
3. Authorize the issuance of a revocable permit to HLC, for the 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. Effective date for the Revocable Permit shall be first day of the month to be determined by the Chairperson;
 - c. Review and approval by the Department of the Attorney General;
and

- d. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.
4. Authorize the issuance of a management right-of-entry permit to HLC covering the subject land and lease 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. The right-of-entry permit shall be effective date of execution and shall remain in force until the revocable permit is issued;
 - c. No pasturing, fence or stock watering system installation will be allowed under the right-of-entry; and
 - d. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,



GH

Pua Ishibashi
Land Agent

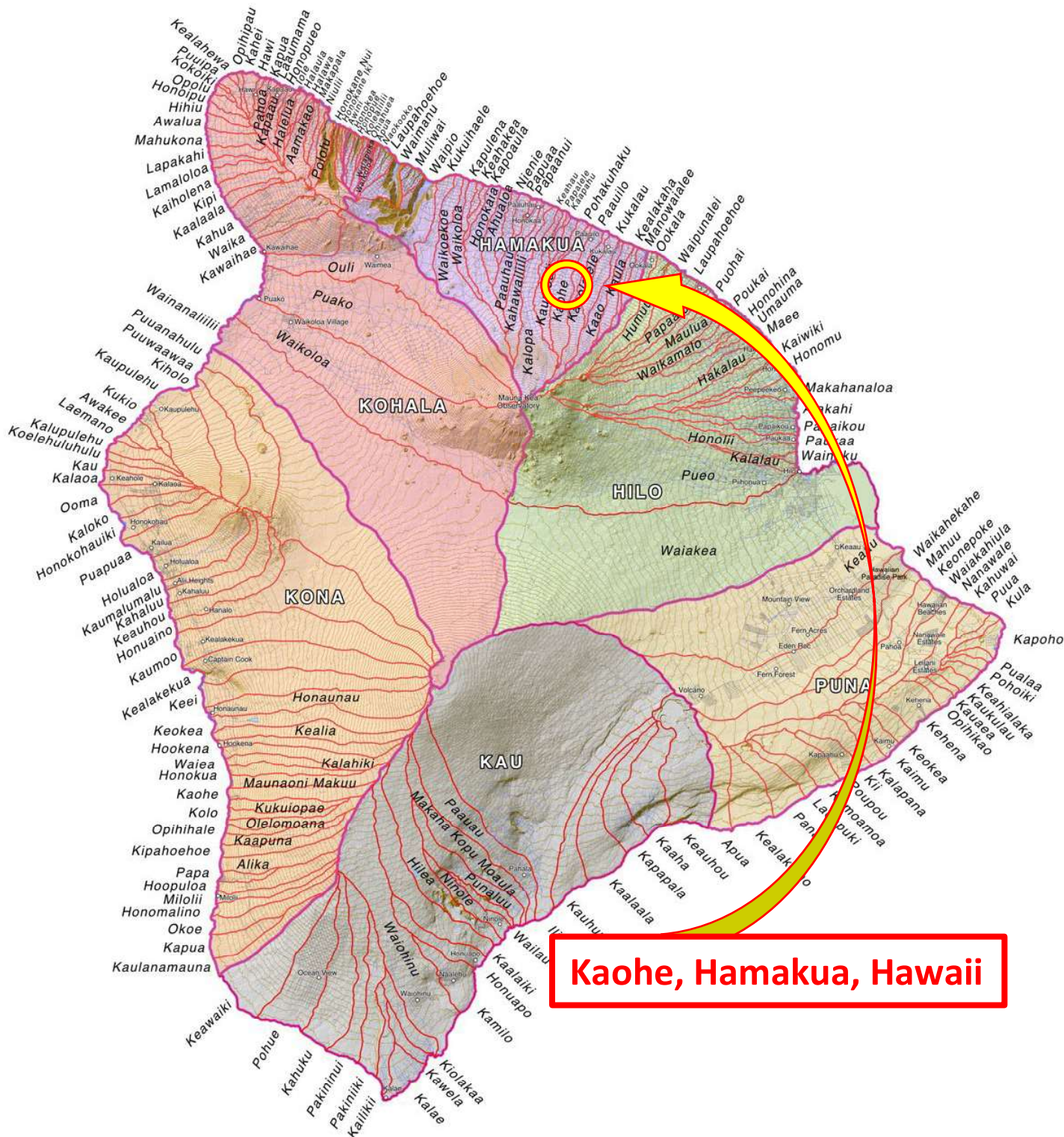
APPROVED FOR SUBMITTAL:



RT

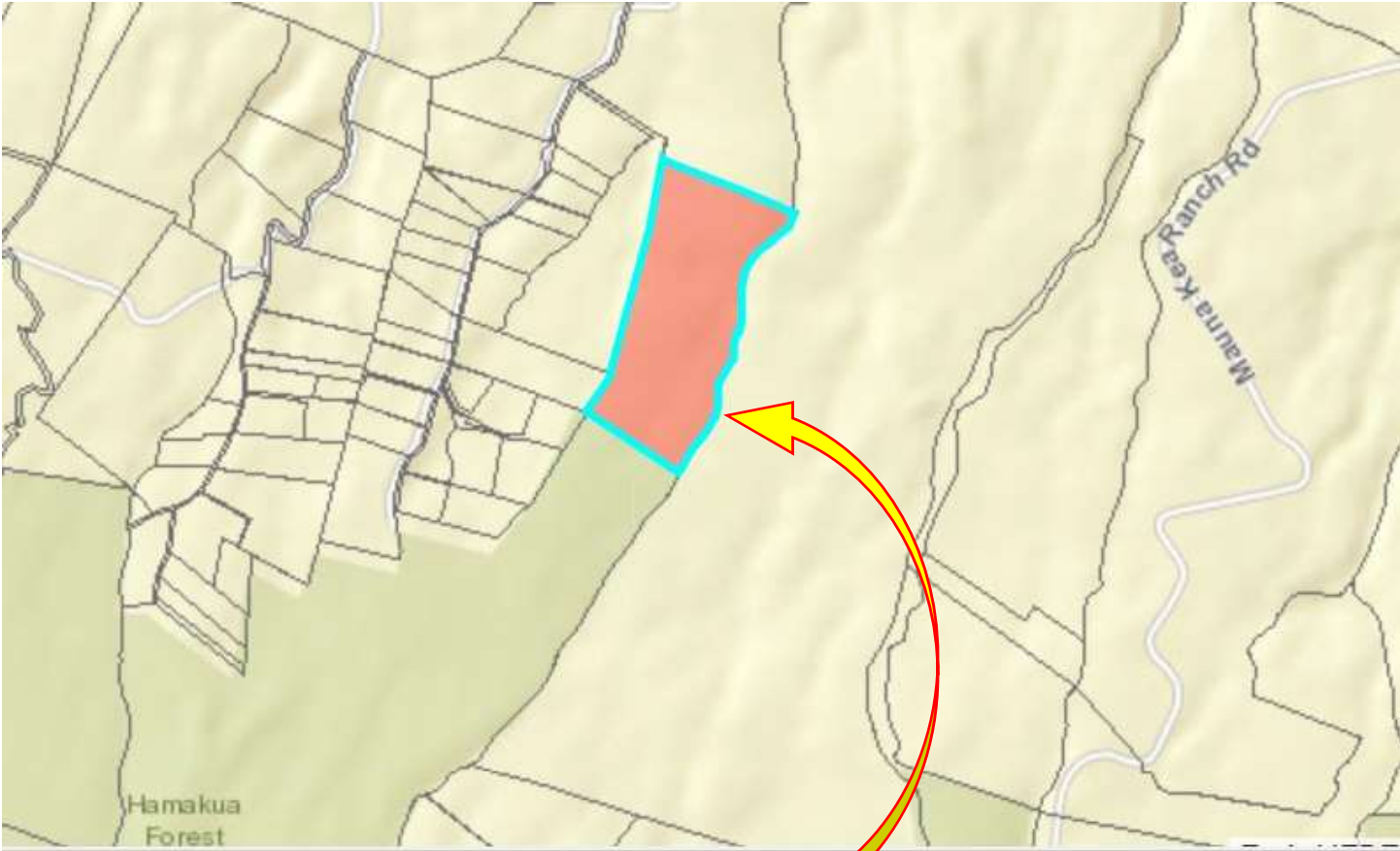
Dawn N. S. Chang
Chairperson

EXHIBIT A



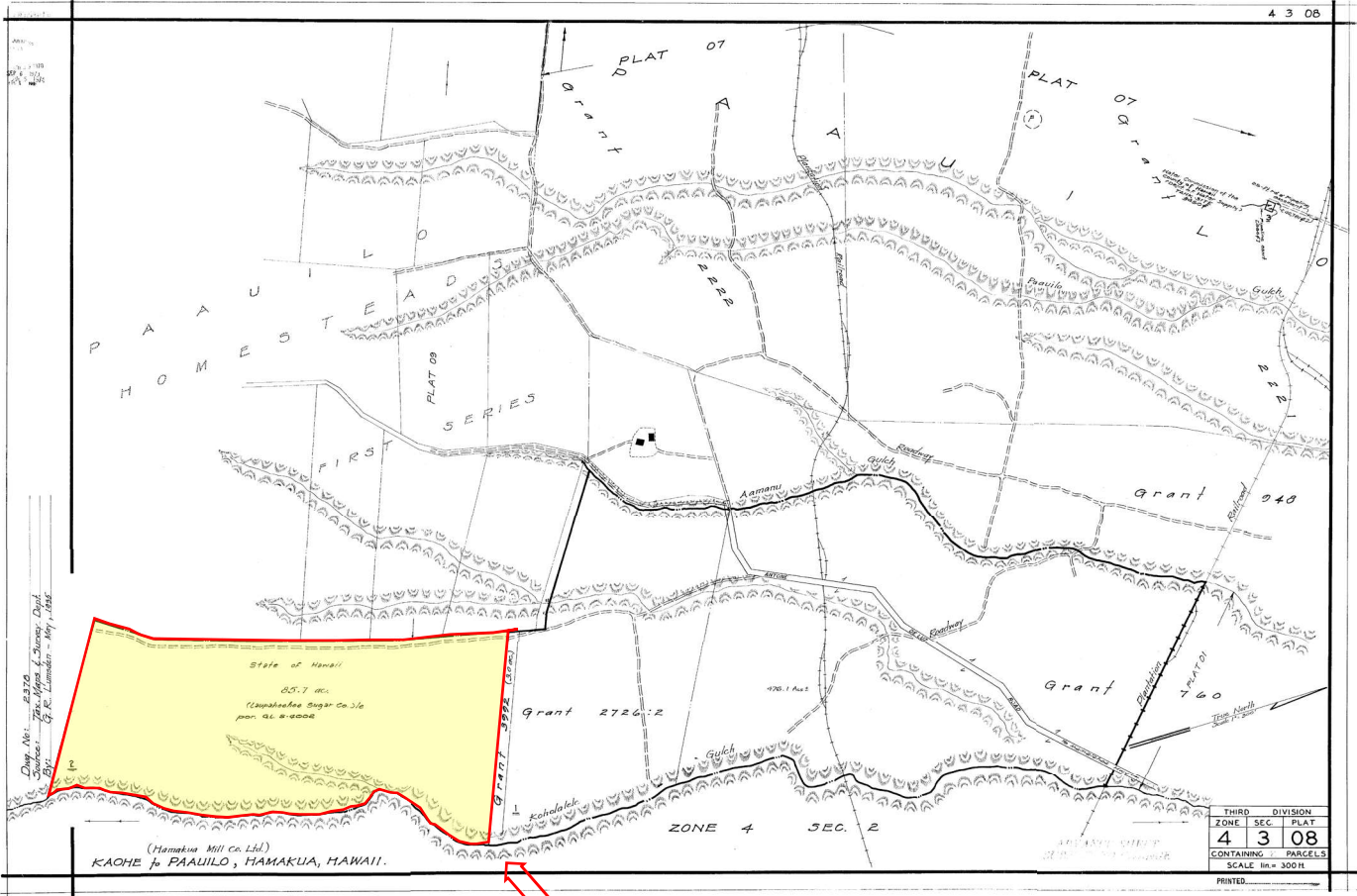
Kaohe, Hamakua, Hawaii

EXHIBIT A



Tax Map Key: (3) 4-3-008:002

EXHIBIT A



Tax Map Key: (3) 4-3-008:002

JOSH GREEN, M.D.
GOVERNOR | KE KIA'ĀINA

SYLVIA LUKE
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA

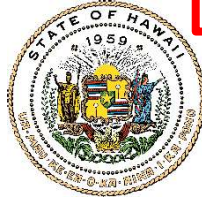


EXHIBIT B

DAWN N.S. CHANG
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE
MANAGEMENT

RYAN K.P. KANAKA'OLE
FIRST DEPUTY

DEAN D. UYENO
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 HAWAI'I | KA MOKU'ĀINA 'O HAWAI'I
DEPARTMENT OF LAND AND NATURAL RESOURCES
KA 'OIHANA KUMUWAIWAI 'ĀINA

P.O. BOX 621
HONOLULU, HAWAII 96809

To: Dawn N. S. Chang, Chairperson
Through: Russell Y. Tsuji, Administrator
From: Land Division, Appraisal Section
Date: September 30, 2024
Subject: Hawaii Land & Crop, LLC Revocable Permit

A revocable permit valuation was prepared for the property below and is summarized as follows:

Applicant: Hawaii Land & Crop, LLC
TMK: (3) 4-3-008:002
Area: 85.7 acres, more or less
Effective Date: Upon Board Approval
Recommended Value: **\$142 per month**

The undersigned finds that the valuation was completed in accordance with the assignment.

Sep 30, 2024

RT Dawn N. S. Chang, Chairperson

Date

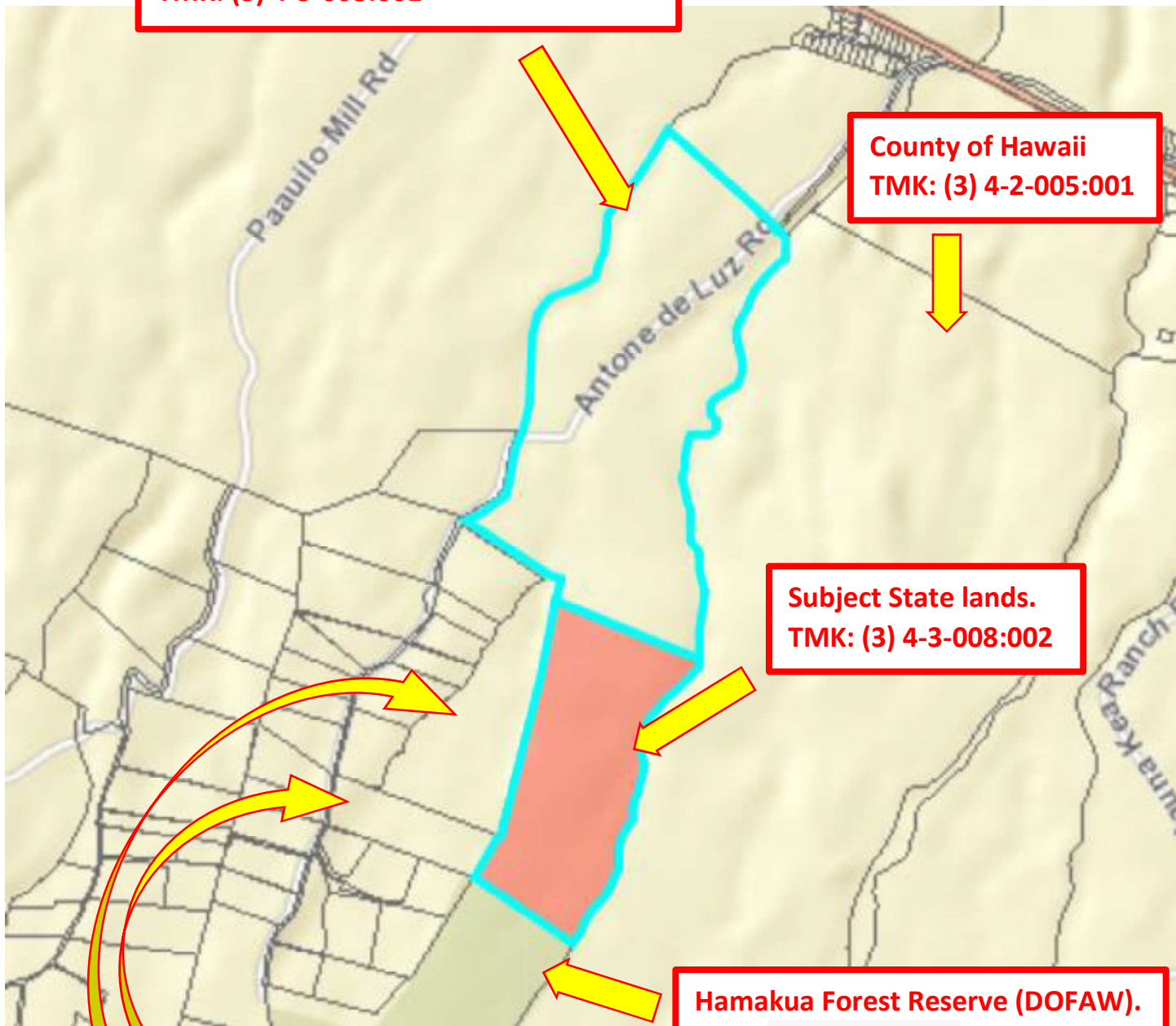
TMK

(3) 4-3-008:002

Average Pasture Land Value (per acre) - based on four (4) most recent Hawaii Island pasture appraisals	30.16
Land Area (acres)	85.7
33% Off For Density of Vegetation/Lack of Water	19.9056
Recommended Annual Value	1705.90992
Monthly Value	142.15916

EXHIBIT C

**Bishop Estate Lands currently leased by
Hawaii Land & Crop (Applicant).
TMK: (3) 4-3-008:001**



**County of Hawaii
TMK: (3) 4-2-005:001**

**Subject State lands.
TMK: (3) 4-3-008:002**

**Hamakua Forest Reserve (DOFAW).
TMK: (3) 4-3-010:001**

**Private landowners:
TMK: (3) 4-3-009:002 (top)
TMK: (3) 4-3-009:004 (bottom)**



EXHIBIT D

Hawaii Land & Crop, LLC.
P.O. Box 144
Kamuela, HI 96743

August 12th, 2024

Mr. Pua Ishibashi
Hawaii Island Land Agent
Department of Land and Natural Resources
Land Division
75 Aupuni Street, Room 204
Hilo, HI, 96720

Dear Mr. Ishibashi,

Per your request, this letter is an expression of my land use intentions, in the event that the Department of Land and Natural Resources leases TMK 430080020000 to Hawaii Land & Crop, LLC for grazing purposes. The 85-acre parcel of high elevation pastureland is currently sitting fallow, and being pressured by invasive species and wild cattle. I, Jacob Tavares, am the sole proprietor of Hawaii Land & Crop and a resident of neighboring Paauilo. I have ties to the community that resides along Antone DeLuz Road, who neighbor this parcel.

In order to effectively manage this area, I anticipate a fencing cost of \$65k, and a water system development cost of \$25k. Additionally, I expect to spend a large sum of money on invasive species removal, however having not been allowed on property yet, I am unable to estimate the magnitude of that specific cost.

The parcel in question is adjacent to a parcel that Hawaii Land & Crop is leasing from a private entity, which will allow us access to the subject property.

Sincerely,

A handwritten signature in black ink that reads "Jacob Tavares". The signature is written in a cursive, flowing style.

Jacob D. Tavares

EXHIBIT E

JOSH GREEN, M.D.
GOVERNOR | KE KIA'IPUNA

SYLVIA LUKE
LIEUTENANT GOVERNOR | KA HOPE KIA'AINA



DAWN N. S. CHANG
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT



STATE OF HAWAII | KA MOKU'AINA 'O HAWAII'
DEPARTMENT OF LAND AND NATURAL RESOURCES
KA 'OIHANA KUMUWAIWAI 'AINA
LAND DIVISION

75 Aupuni Street, Room 204
Hilo, Hawaii 96720
PHONE: (808) 961-9590
FAX: (808) 961-9599

August 13, 2024

Ref. No.: 24HD-095

Author: LD-PI

MEMORANDUM

FROM: **State Agencies:**
Department of Hawaiian Home Lands (DHHL)
Division of Forestry & Wildlife (DOFAW)
Office of Hawaiian Affairs (OHA)

County of Hawaii Agencies:
Planning Department

TO: Pua Ishibashi,
DLNR, Land Division, Land Agent

SUBJECT: Issuance of a Revocable Permit to Hawaii Land & Corp, LLC., for Pasture Purposes Pending Public Auction, and Issuance of Immediate Management Right-of-Entry to Hawaii Land & Corp, LLC.

LOCATION: Kaohe, Hamakua, Hawaii, Tax Map Key: (3) 4-3-008:002.

APPLICANT: Hawaii Land & Corp, LLC.

REQUEST:

For your review and comment please find attached draft DLNR Board Submittal for request referenced above. Please respond to this inquiry by **August 28, 2024**. You may simply respond by email or complete and return this letter. If no response is received by this date, we will assume your agency has no comments. If you have any questions, please contact me at, Hawaii District Land Office, at 808/961-9590 or at herbert.p.ishibashi@hawaii.gov. Mahala

YOUR RESPONSE: () We have no objections.
() We have no comments.
) Comments are attached.

Signed:

Title and Agency/Department: DAVID G. SMITH, Administrator

Date: _____

Terrago, Rubyrosa T

From: Bergfeld, Steven T
Sent: Monday, August 26, 2024 11:17 AM
To: Terrago, Rubyrosa T; Hatayama, Jay M; Ishibashi, Pua
Subject: RE: DLNR Board Submittal for your review and comment.

Aloha Pua: We support Mr. Tavares's request to lease this parcel adjacent to the Hamakua Forest Reserve, Paauiia section. Stock proof fencing will be necessary to prevent livestock trespass in to the forest reserve. If there are any trees that need to be cut prior to him building or repairing fencing along our shared boundary we request the opportunity to fall those trees prior to fence work. He can contact Jay for a site visit. Mahalo. Steve

Steven Bergfeld
Hawaii Branch Manager
Department of Land and Natural Resources
Division of Forestry and Wildlife
19 East Kawili Street
Hilo, HI 96720
(808) 974-4221

From: Terrago, Rubyrosa T <rubyrosa.t.terrago@hawaii.gov>
Sent: Friday, August 23, 2024 2:16 PM
To: Bergfeld, Steven T <steven.t.bergfeld@hawaii.gov>; Hatayama, Jay M <jay.m.hatayama@hawaii.gov>
Subject: FW: DLNR Board Submittal for your review and comment.

Hi Steve and Jay,
Please see the attached request for comments due by August 28, 2024.

Apologize for not forwarding this right away.

Thanks,
Ruby

Ruby Terrago
Secretary
Cell:808-445-2933
Email:rubyrosa.t.terrago@hawaii.gov
Division of Forestry and Wildlife
1151 Punchbowl Street, Room 325
Honolulu, HI 96813

From: Ishibashi, Pua <herbert.p.ishibashi@hawaii.gov>
Sent: Tuesday, August 13, 2024 3:01 PM
To: DHHL.ContactCenter <dhhl.contactcenter@hawaii.gov>; Terrago, Rubyrosa T <rubyrosa.t.terrago@hawaii.gov>; info@oha.org; planning@hawaiicounty.gov; OHA-Ohahr <ohahr@oha.org>
Subject: DLNR Board Submittal for your review and comment.