

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

June 13, 2025

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

PSF No.: 25KD-061

Kauai

Cancellation of Revocable Permit No. S-7964 to Bill DeCosta for Intensive Agriculture Purposes, Hanapepe, Waimea, Kauai, Tax Map Keys: (4) 1-9-012:005 and 037.

REQUEST:

Cancellation of Revocable Permit (RP) No. S-7964.

LEGAL REFERENCE:

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

LOCATION:

Portion of Government lands of Hanapepe situated at Hanapepe, Waimea, Kauai, identified by Tax Map Key: (4) 1-9-012:005 and 037, as shown on the attached map labeled **Exhibit A**.

AREA:

TMK: (4) 1-9-012:005: 3.08 acres, more or less

TMK: (4) 1-9-012:037: 2.43 acres, more or less

ZONING:

State Land Use District: Rural
County of Kauai CZO: R2

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 Land Office Deed No. S-26909, Kauai Island Utility Cooperative, Grantee, for a Perpetual, Non-Exclusive Utility Easement.

Encumbered by Land Office Deed No. S-28661, Juan Wilson and Linda Pascatore, husband and wife, Grantees, for a Perpetual, Non-Exclusive Access and Utility Easement.

CHARACTER OF USE:

Intensive Agriculture Purposes.

CANCELLATION DATE:

Cancellation effective date March 31, 2025.

REMARKS:

This revocable permit consists of 2 parcels, State Parcel (4) 1-9-012:037 (Parcel 37) and State Parcel (4) 1-9-012:005 (Parcel 25).

A request was recently made for an easement across Parcel 37 for access and utility purposes to an abutting landowner. Kauai District Land Office (KDLO) is currently processing this easement request and plans on bringing it to the Board sometime in the near future.

Parcel 25 is currently encumbered by perpetual easement Land Office Deed (LOD) 26909 to Kauai Island Utility Cooperative (KIUC) for utility purposes as well as LOD 28661 to Juan Wilson for access and utility purposes.

Parcel 25 was cleared of rubbish by the State before Bill DeCosta (DeCosta) was awarded the subject permit RPS-7964, but the surrounding roadsides under the County of Kauai's (COK) jurisdiction over the road right-of-way (ROW) were littered with abandoned vehicles and garbage that were never removed by the COK even though Kauai Police Department (KPD) came to the property and posted notice. See attached **EXHIBIT B**. The vehicles and garbage that were within the ROW prevented DeCosta from fully accessing the property in order to install a fence. State Division of Conservation and Resource Enforcement (DOCARE) as well as the COK and KPD were contacted on numerous occasions by both DLNR prior to the execution of RPS-7964 and DeCosta after the execution of RPS-7964. While waiting for the COK to remove items from the ROW so that a fence could be installed, DeCosta injured his shoulder and was not able to install the fence as planned.

TMK (4) 1-9-003:028 and 029 belong to the Kali family. They are the neighbors who reside across the street from Parcel 25 have been using the State's Parcel 25 for their own use and as a place to dump derelict vehicles and rubbish for years. There are complaints to the DLNR going back as far as at least 2017. Notice to Vacate orders have also been posted on that parcel several times.

DeCosta was never able to get full control over Parcel 25 and it has again become an illegal dump site and home to squatters. DeCosta had been threatened by the squatters and members of the Kali family who continue to use and dump rubbish on Parcel 25. The Kali family has also shown hostility towards staff when visiting the parcels. DeCosta has stated that he never felt safe in the area and was never able to implement any of his plans for the parcels. He was still paying his RP rent even though he did not have any safe access to the parcels and has decided to withdraw and cancel his RP for the two parcels.

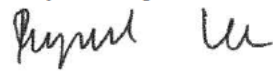
Staff is recommending the Board cancel RPS-7964 to Bill DeCosta, Permittee, and waive the Phase I Environmental Site Assessment requirement contained in the current revocable permit since DeCosta never had full possession over the land. An inspection of the property was performed on March 11, 2025. See attached **Exhibit C**.

RECOMMENDATION: That the Board:

1. Authorize the cancellation of Revocable Permit No. S-7964 to Bill DeCosta, Permittee, in the manner specified by law;
2. Authorize the retention of all sums heretofore paid or pledged under Revocable Permit No. S-7964 to be applied to any past due amounts;¹ and
3. Waive the Phase I Environmental Site Assessment requirement as set forth on page 7, paragraph B.13, upon cancellation of Revocable Permit No. S-7964.
4. Terminate the permit and all rights of Permittee and all obligations of the Permitter effective as of March 31, 2025, provided that any and all obligations of the Permittee which have accrued up to said effective date or which are stated in the lease to survive termination shall endure past such termination date until duly fulfilled, and further provided that Permitter reserves all other rights and claims allowed by law.

¹ No past due amounts owing as of the date of writing this submittal.

Respectfully Submitted,

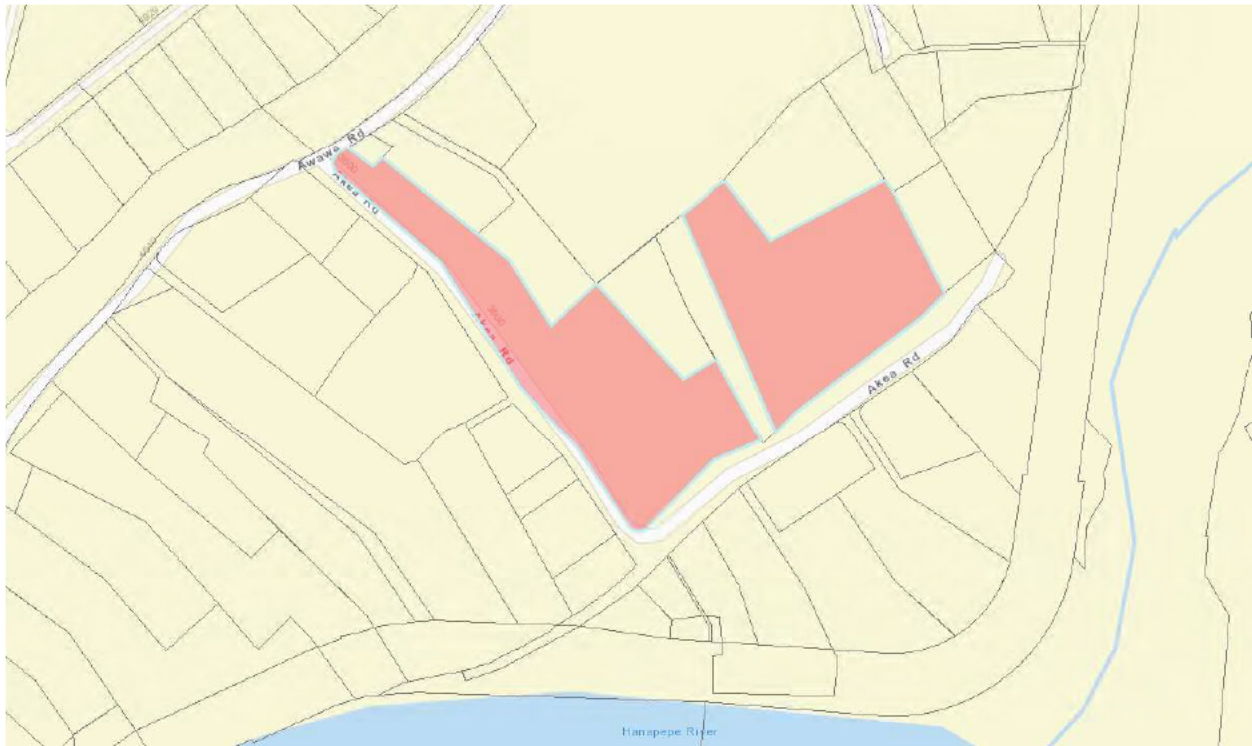


Reynold Lee
Land Agent

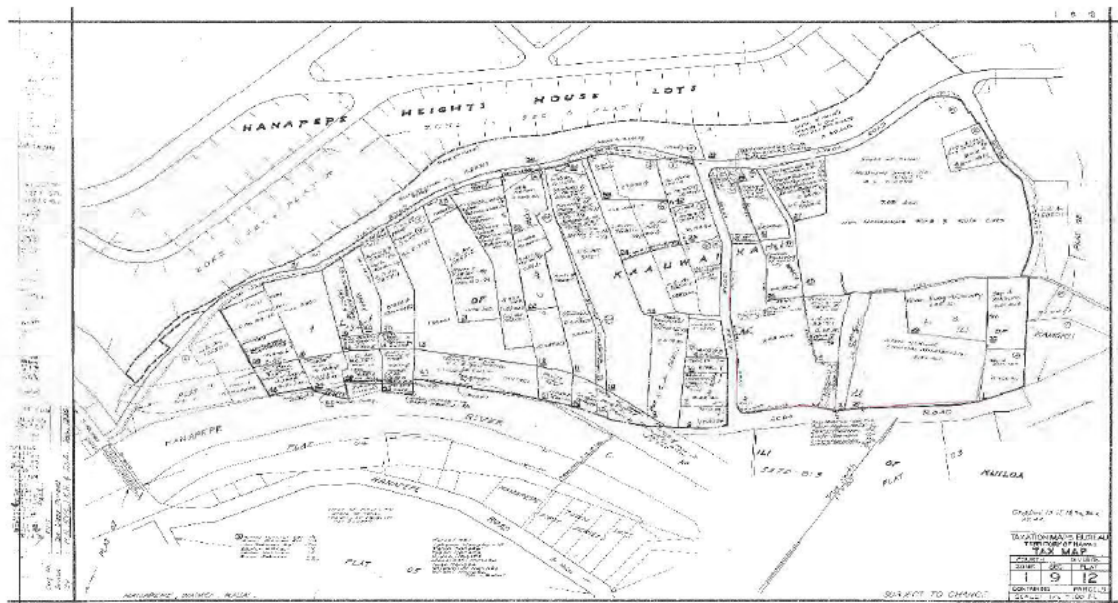
APPROVED FOR SUBMITTAL:



Dawn N.S. Chang, Chairperson



Subject Property



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

INSPECTION REPORT FOR VACANT PROPERTY

TAX MAP KEY: (4) 1-9-012:005

Inspection date: 1/8/24 Inspection time: 1215

1. Explain the physical condition including any improvements (ie grass overgrown, wiliwili trees, abandon vehicles, clogged concrete lined ditch, broken chain link fence, etc.):

Property has been cleared by Garden Island Towing (GIT) at the request of KDLO. All cars, RV's, boats, and other small vehicles, plus associated trash and other detritus have been removed as agreed upon in contract. In the process of clearing the property, GIT also removed overgrown sections of grass and brush in order to access the back side of the property. At the time of inspection, there remained one derelict vehicle and one trailer on the west side of the property within the county road right-of-way, as well as a number of vehicles of unknown condition, and a pile of trash on the south side of the property, also within the county road right-of-way.

2. Is maintenance is required? (i.e. cut grass, tree removal, install government signs, etc.)

New tenant, Bill DeCosta will fence the property to prevent further dumping from unknown entities.

3. Completed by: JCT

Date: 1/12/24

Reviewed by: _____

EXHIBIT B





INSPECTION REPORT
Commercial/Industrial/Resort/Other Business
FINAL INSPECTION

EXHIBIT C

General Information

Document Number: RPS 7964 Character of Use Intensive Agriculture Purposes
Inspection Date: 3/11/2025 Inspection Time: 12:00pm Land Agent: Alison Neustein

TENANT INFORMATION

Name: Bill DeCosta Home Phone: [REDACTED]
Address: _____ Business Phone: _____
_____ Fax: _____

SITE INFORMATION

TMK: (4) 1-9-012:005 and 037 Area: 5.51 acres, more or less
Site Address: Akea Road, Hanapepe

FISCAL INFORMATION

ITEM	N/A	CURRENT= COMPLIANCE	DEFAULT = NON-COMPLIANCE	COMMENTS
Rent		X		
Liability Insurance		X		
Fire Insurance	X			
Bond	X			

FIELD INSPECTION RESULTS (refer to Field Inspection Worksheet)

ITEM	N/A	COMPLIANCE	NONCOMPLIANCE	COMMENTS
Subleases	X			
Improvements	X			
Premises			X	
Character of Use			X	
Phase 1 Environmental Site Assessment				Going to Board for waiver

Field Inspection Worksheet
Commercial/Industrial/Resort/Other Business

File Review

LICENSES/PERMITS/CONSENTS

ITEM	DLNR Approval Docs in File			COMMENTS/NOTES/LISTS
	N/A	YES	NO	
Subletting	X			attach copy of list or map if applicable
Improvement Construction Buildings	X			note deadlines for % completion
Improvement Construction Other structures/misc.	X			note deadlines for % completion

Field Inspection

ITEM	SATISFACTORY?			COMMENTS/NOTES
	N/A	YES	NO	
SUBLEASES	X			
Consents approved	X			
Use adheres to lease purpose	X			
IMPROVEMENTS	X			
<u>Buildings/Residences:</u> roof	X			
paint	X			
exterior	X			
interior	X			
<u>Structures:</u> roads	X			
walkways	X			
fencelines	X			
others	X			
PREMISES			X	
clean, sanitary, orderly			X	
appropriate storage/use of hazardous materials			X	
CHARACTER OF USE			X	
adheres to lease purpose				

ITEM	SATISFACTORY?			COMMENTS/NOTES
	N/A	YES	NO	
Other:				

