

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

April 24, 2026

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

Ref No.: 26KD-019

Kauai

Set Aside of Lands to the Department of Agriculture and Biosecurity, Pursuant to Act 90, Session Laws of Hawaii 2003, for Agriculture Purposes, Encumbered by Revocable Permit No. S-7386, Dean H. and Nicol U. Nonaka, Permittees, Hanapepe Valley, Waimea, Kauai, Tax Map Keys: (4) 1-9-001:002 and 1-9-002:002.

APPLICANT:

Department of Agriculture and Biosecurity (DAB).

LEGAL REFERENCE:

Sections 171-11, and 166E-3, Hawaii Revised Statutes (HRS) as amended.

LOCATION:

Portion of Government lands situated at Hanapepe Valley, Waimea, Kauai, Tax Map Keys: (4) 1-9-001:002¹ and 1-9-002:002². No physical address is associated with the properties.

AREA:

6.365 acres, more or less.

ZONING:

State Land Use District: Agriculture
County of Kauai CZO: O (Open Space)

TRUST LAND STATUS:

Section 5 (b) lands of the Hawaii Admission Act
DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: NO

¹ [Link for map of TMK \(4\) 1-9-001:002 on the County's website.](#)

² [Link for map of TMK \(4\) 1-9-002:002 on the County's website.](#)

CURRENT USE STATUS:

Encumbered by RP 7386, to Dean H. and Nicol U. Nonaka, Permittees, for pasture purposes. Current rent is \$46.37 per month.

PURPOSE OF SET ASIDE:

Agriculture purposes.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with the Hawaii Administrative Rules (HAR) § 11-200.1-15 and the Exemption List for the Department of Land and Natural Resources, (Department), reviewed and concurred on by the Environmental Council on November 10, 2020, the subject action is exempt from the preparation of an environmental assessment pursuant to the following:

General Exemption Type 1: 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.

Part 1, Item 36: Transfer of management authority over state-owned land, such as setting aside of state lands to or from other government agencies, through a Governor's executive order.

The proposed action is not anticipated to result in any changes to the current use of the lands. The lands have been in long term use for pasture purposes and it is anticipated that those uses will continue under the proposed set aside. There are no known impacts to the land that have resulted from pasture use; therefore, no such impact is expected to occur as a result of transferring the lands nor the RP associated with these lands. Furthermore, since these are pasture lands, they are not considered to be a sensitive environment. Therefore, it is recommended that this project be declared exempt from the preparation of an environmental assessment and the requirements of §11-200.1-17, HAR.

DCCA VERIFICATION:

Applicant is a government entity, and as such, not required to register with DCCA.

PUBLIC TRUST ANALYSIS:

The proposed action is to transfer the management of the lands and associated RP to DAB. The Board of Land and Natural Resources (Board) has a duty to promote diversified agriculture pursuant to Article XI, Section 3 of the Hawaii State Constitution:

The State shall conserve and protect agricultural lands, promote diversified agriculture, increase agricultural self-sufficiency and assure the availability of agricultural suitable land.

The proposed action supports the long-term viability and security of local agricultural operations. It also allows for the local production of food, supporting the goal of food sustainability and food security for Hawaii. It may also translate into lower prices for consumers when meat and produce do not have to be shipped to Hawaii from outside of the state.

BACKGROUND:

The set-aside of certain agriculture lands under the jurisdiction of the Board to DAB was mandated by Act 90, Session Laws of Hawaii (SLH) 2003, and later codified as Chapter 166E, HRS. The purpose of Act 90 is to ensure long-term productive use of public lands currently leased or available to be leased by allowing those lands to be transferred to and managed by DAB. The Department has transferred approximately 25,600 acres to DAB over the years but, prior to 2023, retained large pasture leases adjacent to forest reserves due to the important natural resource value these lands have. The Department has reconsidered its position and is now recommending the transfer of certain pasture leased lands to DAB, including the lands under RP S-7386.

REMARKS:

The lands to be set aside to DAB are currently encumbered by RP S-7386, to Dean H. and Nicol U. Nonaka for pasture purposes. At its meeting on October 24, 2023, the Board of Agriculture and Biosecurity (BAB) approved the transfer and set aside of the subject RP. In a letter dated November 5, 2023, DAB requested that the Board recommend setting aside the subject lands from the Department to DAB.

REVERTER CLAUSE:

DAB will assume management responsibilities for lands under the current RP to Dean H. and Nicol U. Nonaka upon the Governor's execution of the Executive Order effecting the set aside. Once lands are set aside to DAB, Chapter 166E, HRS, provides that DAB is not required to seek Board approval under Chapter 171, HRS, for any future disposition of the land. Notwithstanding Chapter 166E, HRS, should DAB want to change the land use to something other than agriculture purposes, such a request would be subject to Board approval, otherwise the lands will revert back to the Department. This is to ensure that any future use of these public trust lands remains consistent with the set aside.

APPLICANT REQUIREMENTS:

DAB shall be required to:

1. Provide survey maps and descriptions according to State DAGS standards and at Applicant's own cost, where necessary.
2. Process and obtain subdivision at Applicant's own cost, where necessary.

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. Determine whether the proposed set aside is consistent with the public trust. If the Board determines that this action is consistent with the public trust, then the Board is recommended to approve the following:
3. Approve of and recommend to the Governor issuance of an executive order setting aside the lands encumbered by the subject revocable permits to the Department of Agriculture and Biosecurity under the terms and conditions cited above, which are by this reference incorporated herein and subject further to the following:
 - a. The standard terms and conditions of the most current executive order form, as may be amended from time to time;
 - b. Disapproval by the Legislature by two-thirds vote of either the House of Representatives or the Senate or by a majority vote by both in any regular or special session next following the date of the set-aside;
 - 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.

Respectfully Submitted,

Steven Domingo Jr

Steven Domingo
Supervising Land Agent

APPROVED FOR SUBMITTAL:

R Kanaka'ole

Ryan Kanaka'ole, Acting Chairperson

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