

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

June 26, 2026

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

PSF No.: 22HD-099

HAWAII

Cancellation of Revocable Permit No. S-7959 to Spencer Nagata for Pasture Purposes, and Waiver of Requirement to Conduct a Phase I Environmental Site Assessment, Piihonua, South Hilo, Hawaii, TMKs: (3) 2-3-032:001, (3) 2-3-030:001 with access over (3) 2-3-031:001por.

APPLICANT:

Spencer Nagata, individual, tenant in severalty.

LEGAL REFERENCE:

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

LOCATION:

Portion of Government lands described as Piihonua, South Hilo, Hawaii, identified by Tax Map Keys: (3) 2-3-032:001, (3) 2-3-030:001 with access over (3) 2-3-031:001 por. Maps of the subject parcels can be viewed at the following links:

- (3) 2-3-030:001: [qPublic - Hawai'i County, HI - Map](#)
- (3) 2-3-031:001 por: [qPublic - Hawai'i County, HI - Map](#)
- (3) 2-3-032:001: [qPublic - Hawai'i County, HI - Map](#)

AREA:

89.08 acres, more or less.

ZONING:

TMK: (3) 2-3-030:001 – State Land Use District: Conservation  
County of Hawaii CZO: Open

TMK: (3) 2-3-032:001 – State Land Use District: Urban  
County of Hawaii CZO: RS-10

TMK: (3) 2-3-031:001 – State Land Use District: Urban  
County of Hawaii CZO: RS-10

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:

Applicant requested the cancellation of Revocable Permit No. S-7959 (RPS-7959) via letter dated October 1, 2025, requesting a cancellation date of October 26, 2025<sup>1</sup>.

CHARACTER OF USE:

Pasture purposes.

COMMENCEMENT DATE:

May 1, 2023.

EFFECTIVE DATE OF CANCELLATION:

October 26, 2025.

MONTHLY RENTAL:

\$82.50 per month.

COLLATERAL SECURITY DEPOSIT:

Twice the monthly rental.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with Hawaii Administrative Rules (HAR) §11-200.1-15 and the Exemption List for the Department of Land and Natural Resources reviewed and

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<sup>1</sup> Pursuant to Condition No. 5 of RPS-7959, the Permittee shall: "Give the Board twenty-five (25) calendar days' notice, in writing, before vacating the Premises."

concurrent with the Environmental Council on November 10, 2020, the subject request is exempt from the preparation of an environmental assessment pursuant to:

**Exemption Class No.1:** Operations, repairs or maintenance of existing structures, facilities, equipment, or topographical features, involving minor expansion or minor change of use beyond that previously existing.

**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 cancellation of RPS-7959 will result in the vacancy of the property eliminating any environmental impacts. Therefore, this action is a de minimis action that will have no significant impact 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 as an individual is not required to register with the DCCA.

REMARKS:

At its meeting of April 28, 2023, under agenda item D-4, the Board of Land and Natural Resources (Board) approved the cancellation of previous Revocable Permit No. S-7377 to Ernest Pung along with staff's recommendation to waive the requirement to conduct a Phase I Environmental Site Assessment (ESA) and issue the subject permit to Spencer Nagata, covering the subject area for pasture purposes under the terms and conditions cited in the submittal.

Staff received a letter from Spencer Nagata, dated October 1, 2025, stating that due to unforeseen circumstances he could not continue operating under RPS-7959 and would like to withdraw from the revocable permit and vacate the premises as of October 26, 2025. After speaking with Mr. Nagata, he has asked to waive the requirement of a Phase I ESA, as required pursuant to Section B.13 of RPS-7959.

RPS-7959 Section B.13 states the following:

*Prior to termination or revocation of the subject permit, Permittee shall conduct a Phase I environmental site assessment and conduct a complete abatement and disposal, if necessary, satisfactory to the standards required by the Federal Environmental Protection Agency, the Department of Health, and the DLNR. Failure to comply with the provisions of this paragraph shall not extend the term of this Permit or automatically prevent termination or revocation of the Permit. The*

*Board, at its sole option, may refuse to approve termination or revocation unless this evaluation and abatement provision has been performed. In addition, or in the alternative, the Board may, at its sole option if Permittee does not do so, arrange for performance of the provisions of this paragraph all costs and expenses of such performance to be charged to and paid by Permittee.*

Mr. Nagata has confirmed that he did not use herbicides or any other hazardous materials on the subject properties. Also, there were no observations of oil stains or other signs of contamination during a site inspection of the property conducted on April 16, 2026. Due to the unforeseen circumstances which ultimately led to this request for cancellation, Mr. Nagata did not bring in the cattle that he had intended to, resulting in zero to very minimal impact on the environment. Staff is therefore recommending the Board cancel RPS-7959 to Spencer Nagata and waive the requirement to conduct a Phase I ESA.

Further, on October 24, 2023, the Board of Agriculture and Biosecurity approved the transfer of the subject parcels pursuant to Act 90, Session Laws of Hawaii 2003, codified as Chapter 166E-3, HRS. At its meeting of October 11, 2024, agenda item D-3, the Board also approved transfer of the subject parcels to the Department of Agriculture and Biosecurity (DAB). Staff has consulted with DAB regarding the waiver of the Phase 1 ESA and DAB has agreed to accept the transfer of the property without a Phase 1 ESA based on the results of the earlier discussed site inspection.

Staff notes that the Hawaii District Land Office is currently awaiting maps from State survey to proceed with the transfer of the subject lands to DAB.

**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 No. S-7959 to Spencer Nagata with waiver of requirement to conduct a Phase I Environmental Site Assessment, covering the subject area for pasture 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,

*Dan Gushiken*

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Dan K. Gushiken  
Land Agent

*CWM*

APPROVED FOR SUBMITTAL:

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Ryan K.P. Kanakaole, Acting Chairperson