

LF 12:028

Request for Trust Lands from the Hawaiian Home Land Trust
Department of Hawaiian Home Lands
RECEIVED
LAND MANAGEMENT
DIVISION

This application is completed by an interested party in requesting land designated as Hawaiian home lands under the Hawaiian Homes Commission Act (HHCA). HHCA lands are to be used for non-homesteading purposes for beneficiary native Hawaiians (residential, agricultural or pastoral), and when necessary, in the best interest of the trust and its beneficiaries, for public purpose, commercial and multipurpose use.

Section I: Name of Applicant Requesting Trust Lands

Name of Requesting Organization: Shane K Silva

Address of Organization: 4925 Nonou Rd KAPAHA HI 96746

Officers and/or Principal Representatives: _____

Mission of Organization: GRAZING

Date Incorporated: _____ State of Incorporation: _____

Section II: Type of Organization

Requesting Organization – Non-Profit

- Type of Non-Profit:
- Private Nonprofit – governed by self appointed board
 - Member Nonprofit – governed by voting members
 - *Homestead Organization – governed by HHCA beneficiary members

*Non-profit is Democratically Elected by and for HHCA Beneficiaries or a Subsidiary thereof

Capacity Assessed by DHHL Kulia Ika Nuu Program: Yes No

Current Capacity and Service to HHCA Beneficiary Community: _____

Requesting Organization – Individual or Business

- Individual
- Sole Proprietorship
- Partnership
- Corporation
- Limited Liability Corporation
- Other

Is an Individual HHCA Beneficiary/is Owned by an HHCA Beneficiary Yes No

Requesting Organization – Government Agency

- Federal
- State
- County

Section III: Land Request Instrument, Terms & Purpose

Applicant requests the following land transaction instrument:

- Right of Entry
- Revocable Permit
- Easement:
- License
- General Lease
- Other:

Land Description: AUaHOLA HAWAIIAN HOME 5 ACRES
Island: KAUAI Tax Map Key No.: (4) 4-7-004:007 AND 003(P)

Term: _____ Payment Amount: Undetermined Market value land rents
 Gratis or Less than Market value land rents \$ _____

*If Gratis or Less than Market – Explain Why the Trust Should Not be Compensated: _____

Land Use or Purpose: GRAZING

Land Use Benefit to the Trust and/or its Beneficiaries: _____

If Applicant is Not a Homestead Beneficiary Organization or a Subsidiary Thereof, Describe How the Applicant is Partnered with Such Organizations: NATIVE HAWAIIAN

Section IV. Relevant HHCA Sections to Non-Homesteading Trust Land Disposition

The HHCA addresses non-homesteading public purpose licenses, such as community facilities, commercial or multi-purpose functions, when such purpose supports the overall mission and well-being of the trust and its HHCA beneficiaries.

Section 207(c) – This application relates to which of the following four categories under Section 207(c) of the Hawaiian Homes Commission Act wherein a License may be issued:

- Section 207(c)(1) – Railroads, Telephone Lines, Electric Utility Lines, Gas Mains, etc; OR
- Section 207(c)(1)(A) – Churches, hospitals, public schools, post offices and other improvements for public purposes; OR
- Section 207(c)(1)(B) – Theatres, garages, service stations, markets, stores and other mercantile establishments (all of which shall be owned by native Hawaiians or by organizations formed and controlled by native Hawaiians); OR
- Section 207(c)(2) – Reservations, roads and other right of way, water storage and distribution facilities and practice target ranges of the United States;
- None of the Above

Section 204(a)(1) – Lands not required for leasing under 207(a) (homesteading). DHHL may issue a general lease for public, commercial or multipurpose use in accordance to Chapter 171, HRS, as amended. This application is for a commercial or multipurpose use:

- Land use or improvements will generate commercial profit to the applicant
- Land use or improvements will not generate commercial profit to the applicant

Section 204(a)(2) 220.5– Lands not required for leasing under 207(a) (homesteading). DHHL is expressly authorized to negotiate, prior to negotiations with the general public, the disposition of Hawaiian home lands or any improvements thereon to a native Hawaiian, or organization or association owned or

controlled by native Hawaiians, for commercial, industrial or other business purposes in accordance to section 171HRS.

- This Land Request IS made by an *HHCA Homestead Beneficiary Organization.
- This Land Request IS NOT made by an *HHCA Homestead Beneficiary Organization or individual or business owned and controlled by HHCA Beneficiaries.

Section V. Beneficiary Consultation, Applicant Capacity and Land Use Benefit Analysis

Trust Lands represent a finite amount of land, with thousands of HHCA eligible beneficiaries awaiting an award under the Residential, Agricultural or Pastoral Homesteading program, as well as dozens of Homestead Associations controlled by HHCA Beneficiaries working on homestead based development projects.

As a result, the applicant acknowledges that part of the process of considering applications for trust lands should include the following:

1. Beneficiary Consultation

- a. A Notice of All Land Requests to License Lease Hawaiian Home Lands for non-homesteading purposes should be sent to all Homestead Associations with an opportunity for beneficiaries of the trust to comment and provide input.
- b. All input received should be provided to the Hawaiian Homes Commission.

2. Applicant Capacity

- a. If a Nonprofit Organization – should be assessed by DHHL Kulia i ka Nuu capacity program to determine financial, programmatic, governance and leadership capacity and determine legal structure. Additional information may be required to be submitted to DHHL.
- b. If an Individual Business – should be assessed by DHHL to determine financial and leadership capacity and legal structure. Additional information may be required to be submitted to DHHL.

3. Land Use Benefit Analysis

- a. The land requested should have a direct or significant indirect benefit to the trust or to the beneficiaries of the trust. Additional information may be required to be submitted to DHHL.
- b. The land requested should comply with the spirit and intent of Section 207(c) and Section 204(a)(2) 220.5 of the Hawaiian Homes Commission Act, as amended, by engaging beneficiary organizations. Additional information may be required to be submitted to DHHL to determine how Beneficiary Organizations are directly connected to the land request use.

The following authorized representative, submits this request for Hawaiian home lands:

Shane K Silva

Print Individual or Organization Name

4-28-12

Date

OWNER OPERATOR / GRAZING

Authorized Representative Name & Title

Shane K Silva

Signature