

DEPARTMENT OF HAWAIIAN HOME LANDS
LAND MANAGEMENT DIVISION

August 11, 1999

TO: Raynard C. Soon, Chairman
Hawaiian Home Commission

THRU: Mike McElroy, Administrator *MSM*
Land Management Division

FROM: Karen Prentiss, Land Agent *Kep*
NS Land Management Division

SUBJECT: Issuance of a Revocable Permit to Ms. Malama Soloman,
TMK: (3) 6-5-01:10 (Por.), Waimea, South Kohala,
Island of Hawaii

RECOMMENDED MOTION

That the Chairman approves the issuance of a revocable permit to Ms. Malama Solomon, to use a parcel of Hawaiian home lands, identified as Parcel "B" of TMK: (3) 6-5-01:10 (Por.) for the purpose of grazing of cattle.

DISCUSSION

Ms. Solomon requested a month-to-month use of the parcel right above her mother's homestead lot. She is interested in Parcel "B" (See Attached Map).

Mrs. Flora Solomon was awarded Parcel "A" under Pastoral Lease No. 9054, dated February 1, 1991, as a replacement award for her originally selected parcel that was deemed unusable due to endangered plants that were discovered on her lot.

Parcel "B" is the remainder portion of the parcel that was awarded to Flora Solomon leaving an approximate area of 105.127 acres and designated as Parcel "B".

Ms. Solomon is aware that this is a month to month use of the parcel and she will have to vacate when the department is ready to award the parcel as a homestead lease.

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If awarded a month-to-month revocable permit, Ms. Solomon has agreed that she will put up the necessary fencing at her own cost and expense. Also, she agreed in writing to the following terms and conditions:

1. Permittee shall pay an annual rental of \$1050.00, payable (\$262.50) in advance on September 1, December 1, March 1 and June 1.
2. Permittee shall deposit with the department an amount equal to twice the monthly rent, or \$175.00.
3. Permit's effective date shall be August 10, 1999. The rent for the period 8/10 through 8/31/99, in the amount of \$61.25, shall be due with the September 1 payment.
4. Use of the subject parcel shall be restricted to the pasturing of cattle. No permanent structure may be erected or placed on the land without the written consent of Hawaiian Home Lands. The Permittee is permitted to erect necessary fencing, all costs to be the responsibility of the Permittee.
5. Permittee shall practice good animal husbandry and shall not over graze the subject parcel.
6. Permittee shall submit a general comprehensive public liability insurance policy, naming the department as "additional insured" prior to the final execution of the permit document.
7. Permit shall be renewed annually on July 1, however, permit shall be subject to termination or revocation without cause by either party upon upon delivery of a 30-day advance written notice.
8. Processing and documentation fee will be \$175.00 payable in advance. Payment received.
9. Review and approval of the revocable permit document by a Deputy Attorney General.

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10. Permittee shall abide by all rules of the Department of Hawaiian Home Lands and the specific terms and condition in the permit. Any deviation of those rules, terms and grounds for immediate termination.

RENTAL CALCULATION

The rental values used are based on the productivity of the land for cattle grazing purposes.

The average estimated carrying capacity for the parcel is 3.5 AU, and is based on current (1998) appraisal reports reviewed of the Waimea area. The rental calculation is $3.5 \text{ AU} = 30 \text{ AU} \times$ the current rental value per acre $\$35.00 = \$1,050$ annual rent.

LEGAL AUTHORITY

At its meeting held on May 31, 1985, the commission authorized the Chairman to issue, amend, renew and terminate revocable permits. In accordance with section 10-2-16 (a) of the Administrative Rules, the Chairman is delegated the authority to use said permits for greater management flexibility under section 202, Title 2 of the HHC Act of 1920, as amended, which states in part that:

"The Commission may delegate to the Chairman such duties, powers and authorities or so much thereof, as may be lawful or proper for the performance of the functions vested in the commission."

Each commissioner will be apprised of the issuance of these permits, by the receipt of all pertinent correspondence.

JUSTIFICATION

The issuance of a revocable permit for the above-mentioned parcel will benefit DHHL because of the following reasons:

1. The road was built only to accommodate Flora Solomon's land parcel; Parcel B for all purposes is land locked.

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2. Parcel B does not have access to water and electricity.
3. Waimea is suffering from drought conditions. This is a suitable pasture for grazing with ample foliage. The logical user is the abutting tenant.

RECOMMENDATION

Your approval is requested for the issuance of a revocable permit to Ms. Malama Solomon to utilize Parcel "B" of TMK: (3) 6-5-01:10 (Por.) for the purpose of grazing cattle.

APPROVED/DISAPPROVED



Raynard C. Soon, Chairman
Hawaiian Homes Commission

8/13/99

Date

TRUE NORTH
Scale: 1 in. = 60'

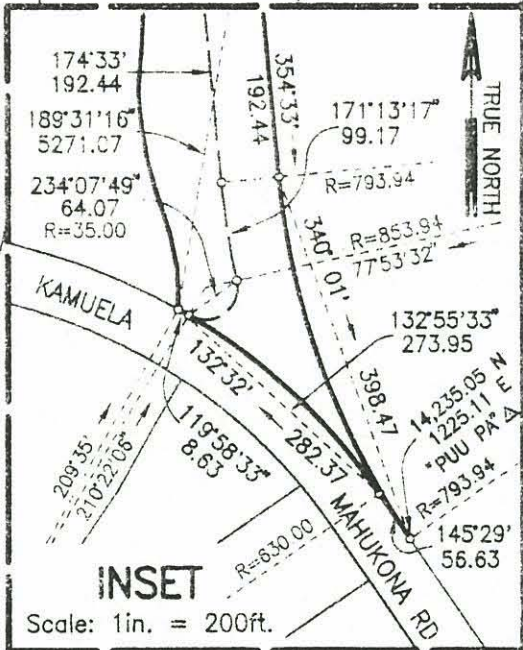
PARCEL B
105.127 ACRES

PARCEL A
125.00 ACRES

EASEMENT 1
NON-EXCLUSIVE
ACCESS AND UTILITY
EASEMENT
(5.738 ACRES)

Grant
Department

S-15852
Hawaiian



HAWAIIAN HOME LAND
SUBDIVISION OF GRANT S-15852 TO
DEPARTMENT OF HAWAIIAN HOME LAND
INTO PARCELS A AND B
AND DESIGNATION OF EASEMENT 1

WAIMEA, SOUTH KOHALA, ISLAND OF HAWAII, HAWAII
Scale: 1 inch = 600 feet

This work was prepared by me
or under my direct supervision.

TAX MAP G-5-01710

SURVEY DIVISION
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES
STATE OF HAWAII