Pu'ukapu Pastoral Subdivision Commencement Date Amendment

February 20, 2018

OVERVIEW

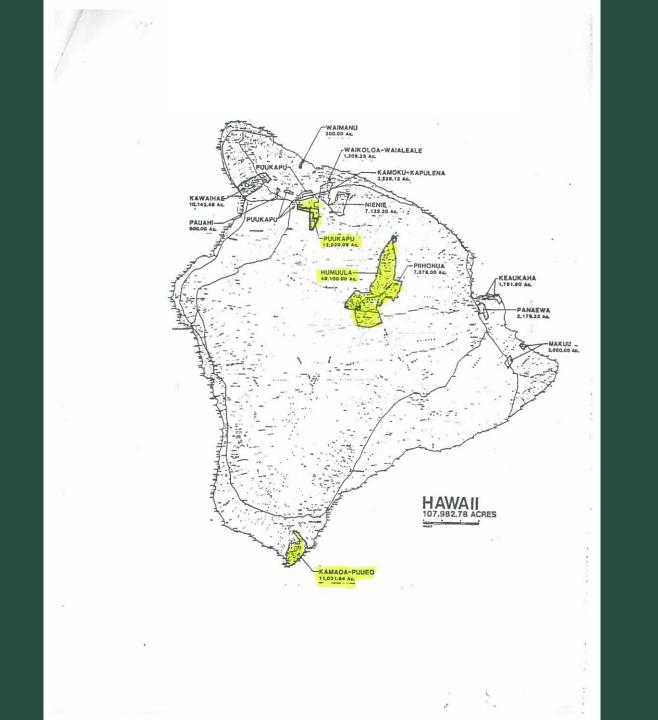
- In 1983 a Federal-State Task Force on the Hawaiian Homes Commission Act issued a report which concluded that the award of homestead leases should be accelerated even though site improvements were not provided (Acceleration Program).
- I 984 Department contacts Agricultural Wait List applicants to determine their needs for commercial or subsistence size lots; preference identified as subsistence size lots.
- March1984 1952 Waimea Area Pastoral Wait List reinstated.

OVERVIEW

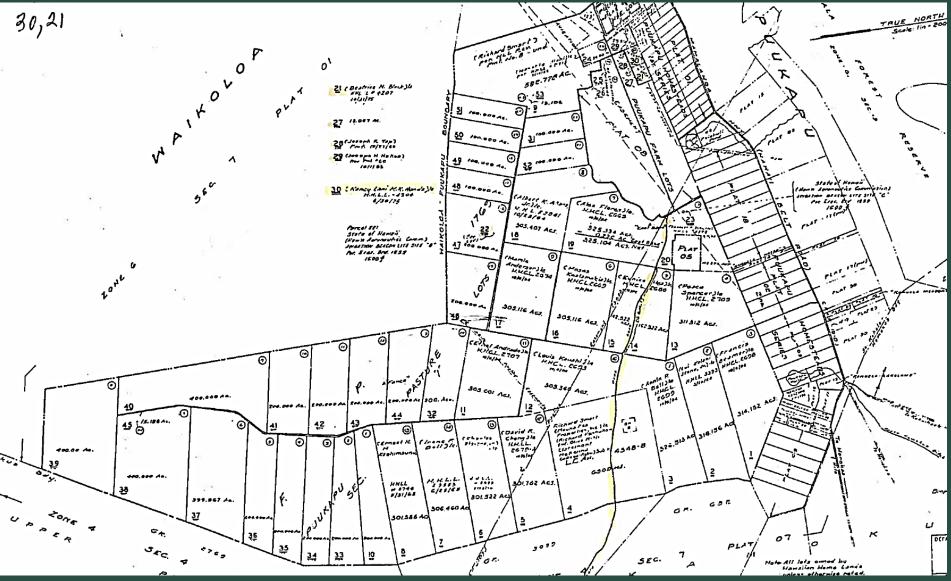
- Department initiated Acceleration Program in 1985 by notifying applicants on the residential and agricultural Wait Lists on all islands; residential and agricultural leases awarded during this period.
- Acceleration Program for West Hawaii Kawaihae (Makai & Unit I Residential Lots), Pu'u Pulehu Residential Lots and Pu'ukapu (Agricultural and Pastoral Lots).
- Actual use and occupancy of the lots was conditional upon the availability of adequate access roads and water, estimated at that time to take about 5 years to develop.

ACCELERATED AWARDS 1985-86 RESIDENTIAL AND AGRICULTURAL

	Year Awarded	Infrastructure Finished	Amendment
Kawaihae Makai Lots	1985	1996	1996
Kawaihae Unit I Lots	1985	1998	1999
Pu'u Pulehu Lots	1986	1996	1996
Pu'ukapu Ag Lot	1985-86	1998	1998



Pre 1990 Subdivision



PU'UKAPU PASTORAL SUBDIVISION IMPORTANT DATES

- December 1988 Hawaiian Homes Commission adopts guidelines for pastoral homestead development.
- December 1989 Court order cancels Pu'ukapu Pastoral Awards meeting.
 - Applicants notified of cancellation of pasture awards meeting, court order, and Commission decision to complete rule-making process.
- March1990 Public Hearings for amendments to Chp. 10-3, Titles 10 (development of pastoral homestead lots).

PU'UKAPU PASTORAL SUBDIVISION IMPORTANT DATES

- June 1990 Amendment to <u>Admin Rule 10-3-29</u>; Considerations for pastoral homestead development added.
- September 1990 Lot selection and awards for Pu'ukapu, Humu'ula and Kamaoa-Pu'ueo held in Waimea.
- **NOTES**: Planned Infrastructure:
 - Roadway, drainage, water and utility improvements to County standards are planned for the areas between 1994-1998, subject to the availability of funds.

PU'UKAPU PASTORAL ACCELERATION PROGRAM

- In 1990, DHHL prepared a "paper subdivision" of approximately 4,600 acres at Pu'ukapu into 184 lots and awarded homesteads:
 - 97 leases @ 10 acres
 - 54 leases @ 15 acres
 - I7 leases @ 20 acres
 - 8 leases @100 acres
 - 8 leases @ 200 acres
- Awards 1990.
- Lease Signing & Commencement Date: February 1991.

PU'UKAPU PASTORAL ACCELERATION PROGRAM

- Pu'ukapu Pastoral Subdivision – lots awarded in 1990.
- Lease Signing & Commencement
 Date: February 1991.
- Lease Addendum No. I <u>Term.</u>

LEASE ADDENDUM

This lease is subject to the following conditions:

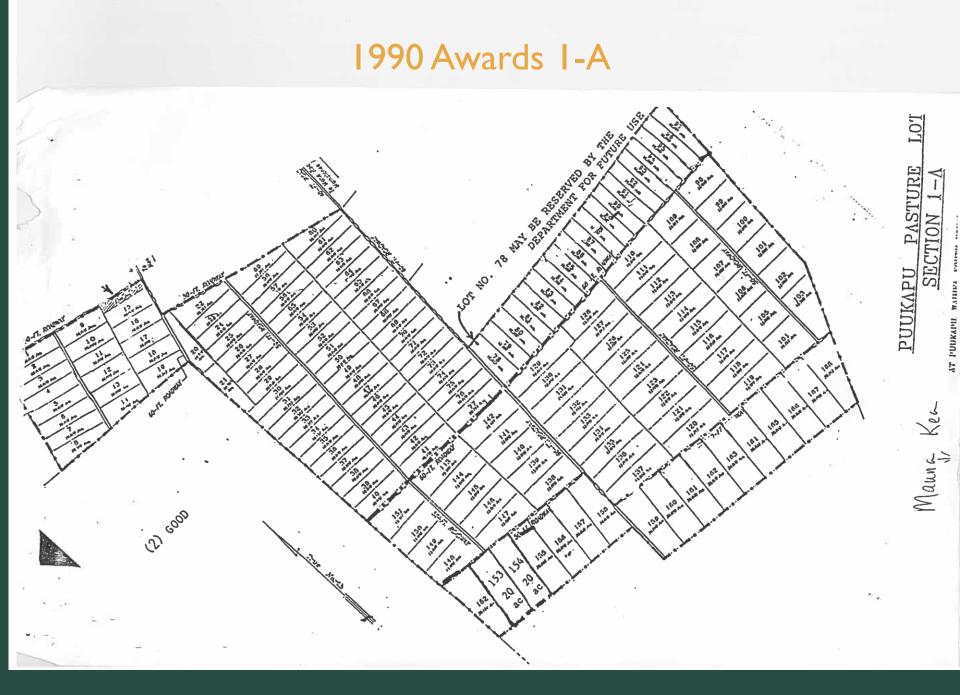
1. Term. Notwithstanding the commencement date specified in the lease, the department will amend the lease to a future date to coincide with the completion of access roads constructed to standards acceptable to the department.

2. <u>Time Frame for Occupancy or Use</u>. Notwithstanding paragraph number 21 in the lease, the department will require the lessee to fence and commence to use the pastoral lot within one year from the amended commencement of the lease (see Paragraph 1 above). However, a lessee of a lot with an existing fenceline, subject to the agreement between the department and Parker Ranch as stipulated in the Lot Selection/Acceptance Agreement, is required to maintain the existing fenceline beginning February 1, 1991.

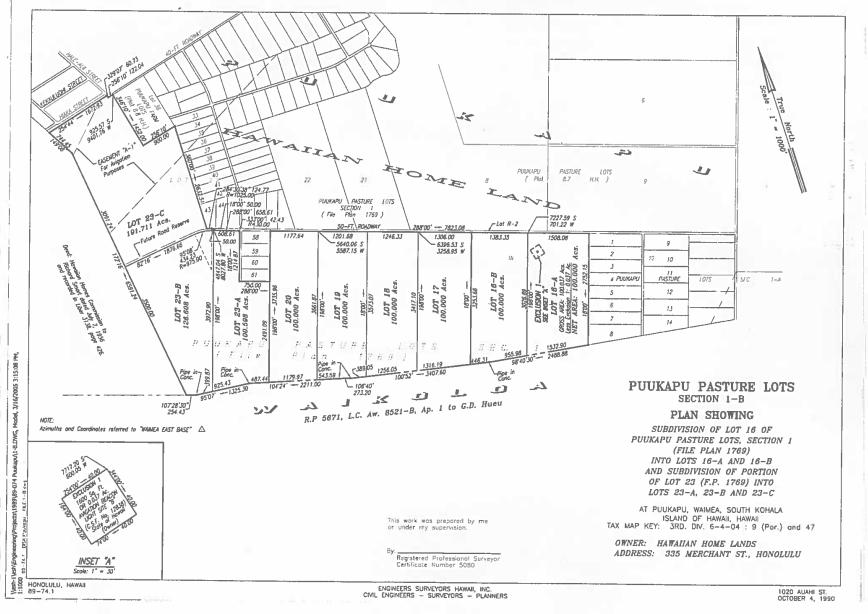
3. Administrative Rules. Lessee acknowledges that lessee has received copies of the department's Administrative Rules 10-3-24, 10-3-25, 10-3-26, and 10-3-27 which concern pasture leases and are on file with the Department of Hawaiian Home Lands.

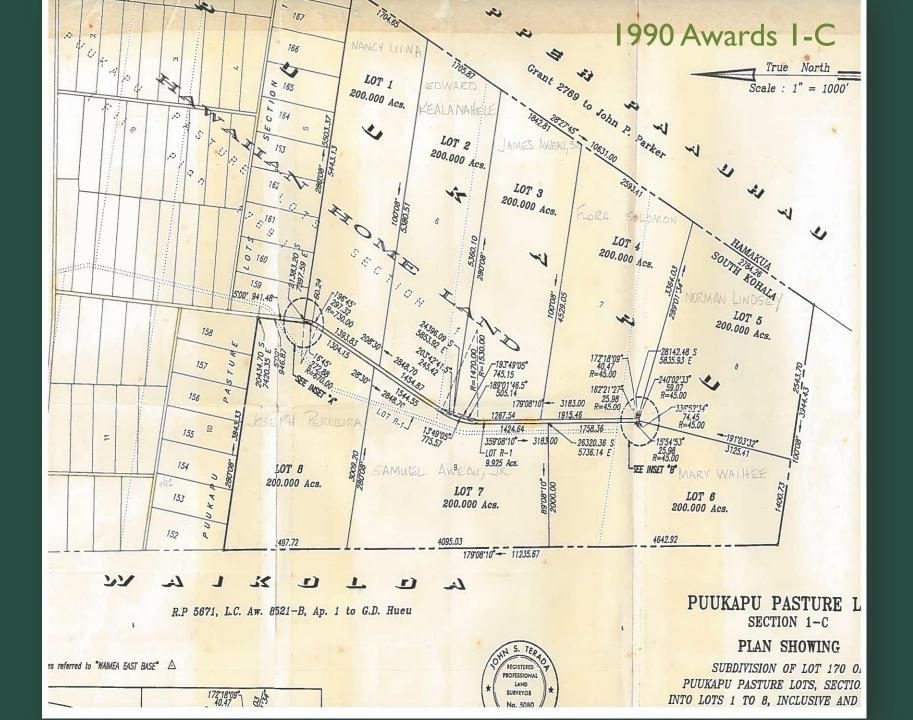
ACKNOWLEDGED:

Mobil Holomoane Thomas 1-12-91 Signature of Lessee Date



1990 Awards I-B_





PU'UKAPU PASTORAL ACCELERATION PROGRAM

- I992 1998 WHDO instructed to complete road construction to provide vehicular access to all 184 awarded lots.
- Roads constructed using cinder or gravel.
- I998 WHDO informed District Operations Supervisor that the project was completed.
- Based on lease addendum a recommendation was made to amend the lease commencement date; this coincided with four pastoral lots receiving infrastructure improvements as part of the Pu'ukapu Agricultural Subdivision; recommendation not acted upon.

- 2000 WHDO staff met with County of Hawai'i (COH) Planning Department to request consideration of subdivision approval for 184 lots.
- Planning Office preliminarily approved paper subdivision of Pu'ukapu Pastoral Subdivision.
- No conditions were set by county for completion of infrastructure or county standard roads.
- Recommendation made to District Operations Supervisor; no action taken.

- 2006 2009 DHHL begins work with COH Planning Office on subdivision approval.
- August 2009 COH approves Pu'ukapu Pastoral Subdivision.
- New county plat maps created & individual tax map key numbers assigned to 184 lots of record and other lots in the area not included in the subdivision.

Plat maps show respective lots – no names assigned.

Route slip to Real Property Tax Office is issued.

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- Lessees are provided 7 year tax exemption for new awards.
- The county bases tax exemptions on lease commencement date.
- If Pu'ukapu pastoral subdivision lessees assigned lease commencement date of 1991, taxes would be due on improvements from 1998.
 - Creates hardship for lessees to pay back taxes that would have to be calculated by county; no infrastructure completed other than access roads.
 - Not the best or preferred option.

- Lessees wanting to obtain building permits are having difficulty with county Planning Office and Building Division.
- County can't issue building permits without Route Slip from DHHL identifying lessee and respective parcel number.
- Solution: Commencement Date 2018 to give lessees benefit of 7 year exemption.

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Pu'ukapu Pastoral Subdivision Commencement Date Amendment

February 20, 2018



2009 County Tax Maps with assigned TMK (I-B)



2009 County Tax Maps with assigned TMK (I-C)



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DEPARTMENT OF HAWAIIAN HOME LANDS

AMENDMENT TO CHAPTER 10-3, HAWAII ADMINISTRATIVE RULES

1. Section 10-3-29, Hawaii Administrative Rules, is added and is to read as follows:

"§10-3-29 <u>Considerations for pastoral homestead</u> <u>development. In developing pastoral lots for</u> <u>homestead award, the department shall consider the</u> <u>following:</u>

- That the awarding of pastoral homestead lots is to provide opportunities for a lifestyle which includes allowing for production of livestock to satisfy family needs and supplement family income.
- 2) That the needs of applicants on the entire pastoral waiting list will be considered in the awarding of pastoral homestead leases.
- 3) That there are competing demands for pastoral homestead development, including demands for residential and agricultural homesteads as well as land for commercial ranching uses.
- 4) That basic infrastructure improvements for pastoral homestead lots such as suitable access, water, and utilities should be available.
- 5) That the cost per lot for infrastructure improvements for pastoral homestead lots will be comparable with that of residential and agricultural homestead lots. On-going maintenance costs are a factor in this cost per lot eguation.
- 6) That a minimum pastoral homestead lot size will be based on the land's natural carrying-capacity to support a minimum of two animal units of beef livestock.
- 7) That the regional character of communities is important in defining the type and size

of homestead lease as similar types of development in the region offer models of what can be done with land for development.

- 8) That the determination of pastoral homestead lot size be based on the land's natural carrying-capacity for beef animals. infrastructure development costs, regional character and beneficiary demand identified through the waiting list.
- 9) That opportunities for native Hawaiians to develop commercial ranching operations need to be provided.
- 10) That the homestead lease in its current form presents difficulties in financing for commercial ranching operations." [Eff.] (Auth: HHC Act §222) (Imp: HHC Act §207(a))

2. New material is underscored.

3. This amendment to Title 10, Hawaii Administrative Rules, shall take effect ten days after filing with the Office of the Lieutenant Governor.

I hereby certify that the foregoing are copies of the rules, drafted in the Ramseyer format pursuant to the requirements of section 91-4.1, Hawaii Revised Statutes, which were adopted on and filed with the office of the Lieutenant Governor.

HOALIKU L. DRAKÉ Chairman Hawaiian Homes Commission

APPROVED AS TO FORM:

Deputy Attorney General

	FROM: DHHL	12	BY: Denise	Murphy	0		Ha	awaj	Li.	DIST.
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		TION: Puukapu, Ha	waii 435600 s.:	ε.						
DEPARTMENT OF HONOLULU DEPARTMENT OF FINANCE TAX MAPS SECTION	RENTAL: TERM: EFFECTIVE DATE: PURPOSE:	\$1.00 Annua 99 year tern MAY 4 2009 Pastoral	lly m, commencing	;: 02/01/199	1					
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