

# PUBLIC NOTICE OF PUBLIC AUCTION FOR LEASE OF VARIOUS NON-AGRICULTURAL PARK LANDS, ISLAND OF MAUI

The Department of Agriculture (“DOA”) is accepting applications to qualify to bid at the public auction for seven (7) agricultural leases. Applications and information regarding the lease disposition by auction are available on the DOA’s website at <http://hdoa.hawaii.gov/arm/> or at the DOA’s Agricultural Resource Management Division (“ARMD”), 1428 South King Street, Honolulu, Hawaii or by calling (808) 973-9473 from 7:45 a.m. to 4:30 p.m., Monday through Friday, except holidays. **One original and one copy of the completed Application form shall be filed with the ARMD at 1428 South King Street, Honolulu, Hawaii 96814 no later than 3:00 p.m. on May 30, 2022.** Any person who has failed to submit one original and one copy of the application and all required attachments (including copies of all required attachments) by this date and time will not be allowed to bid. Each applicant shall be informed in writing in advance of the auction date as to the Applicant’s eligibility to bid at the public auction. The awardee (successful bidder) shall be subject to the satisfactory completion of the conditions stated in §4-158-20, Hawaii Administrative Rules (“HAR”), Additional terms and conditions, and subject to final Board of Agriculture (“BOA”) approval. The awardee who successfully completes all the requirements for lease shall pay the costs incurred in the administration of the lease disposition, pursuant to §4-158-3 Fees and charges. HAR, which may include negotiation, appraisal, notices, publications, and closing costs. A Right-of-Entry shall be issued to the awardee enabling access for the limited purpose of meeting the required conditions. Upon successful completion of the conditions, the lease will be executed and issued; until then, the awardee shall have no real property interest in the subject lot. In the event the conditions are not satisfactorily met within six (6) months after proposal is accepted, the award shall be rescinded. **Eligibility of Applicants:** 1. Any person shall be eligible to apply if they are a U.S. citizen who has resided in the State for at least three (3) years; or 2. Is a permanent status alien who has resided in the State for five (5) years; and 3. Is a bona fide farmer or new farmer as defined in §4-158-1, HAR, Definitions: 4. In the case of agricultural cooperatives, associations, partnerships, corporations and limited liability companies, the residency requirement must be met by 75% of the associates, partners, stockholders, officers, directors, and members, as applicable, who are bona fide farmers, new farmers, or qualified aquaculturalists. 5. No person shall be eligible to lease agricultural lands who, during the five (5) years preceding the date of this notice, has had a previous sale, lease, license, permit, or easement covering public lands canceled for failure to satisfy its terms and conditions, or who is in arrears in the payment of taxes or other obligations to the State or any of its counties. 6. All persons interested in applying for the available farm lot(s) shall comply with §4-158-27, HAR, Application requirements and be subject to §4-158-28, HAR, Preference right. **Summary of Significant Lease Provisions:** The draft of the lease document, property map, lot descriptions, and Chapter 4-158, HAR, are available on the DOA’s website or at the office listed above which all may be examined by the lessee. 1. Uses will be permitted only as shown on the list of parcels below. “Pasture” means the conduct of livestock operation consisting of keeping cattle, primarily, and others, in a minor role, such as horses and sheep where animals graze the land for feed produced thereon, excluding poultry and swine. 2. Lessee shall become a participant in any irrigation project to provide water to the parcels that is or may be created under Chapter 167, Hawaii Revised Statutes, and be required to support the operations and maintenance costs of the irrigation project and to abide by the irrigation project’s rules, rates, and charges. 3. No residential dwellings shall be allowed, except as approved by the BOA. 4. There shall be no transfer, assignment, or sublease of an agricultural land lease without prior BOA approval. Transfer, assignment, or sublease shall be only to persons or entities which satisfy qualification requirements and §4-158-19, HAR, Lease restrictions: generally. 5. For the purposes of this disposition, no lease shall be transferred, assigned, or subleased for the first five (5) years of the initial lease term. **Description of Land:** The lots will be leased in an “AS IS” CONDITION, without any representations or warranties made by the DOA as to the condition of the land, suitability of the land

for the use permitted in the lease, and the availability of water, electricity, utilities, or other infrastructure. Water, electricity, any other utilities, real property taxes and any other expenses shall be the responsibility of the awardee. It is the awardee’s responsibility to inspect and develop the lot in accordance with the applicable state and county regulations and lease provisions. **Parcels to be disposed of include:** **ITEM I:** Location: Keokea, Kula, Makawao, Island of Maui; 2nd Div. (Maui) 2-2-004:001; AREA: 22 gross acres; Term: 35 years; Upset Minimum Annual Rental: \$180.00 per annum; payable semi-annually, in advance; Rent Reopening: To be determined; USE: Pasture. **ITEM II:** Location: Keokea, Kula, Makawao, Island of Maui; 2nd Div. (Maui) 2-2-004:002; AREA: 13 gross acres; Term: 35 years; Upset Minimum Annual Rental: \$100.00 per annum; payable semi-annually, in advance; Rent Reopening: To be determined; USE: Pasture. **ITEM III:** Location: Keokea, Kula, Makawao, Island of Maui; 2nd Div. (Maui) 2-2-004:029; AREA: 20.980 gross acres; Term: 35 years; Upset Minimum Annual Rental: \$170.00 per annum; payable semi-annually, in advance; Rent Reopening: To be determined; USE: Pasture. **ITEM IV:** Location: Keokea, Kula, Makawao, Island of Maui; 2nd Div. (Maui) 2-2-004:031; AREA: 139.280 gross acres; Term: 35 years; Upset Minimum Annual Rental: \$1,120.00 per annum; payable semi-annually, in advance; Rent Reopening: To be determined; USE: Pasture. **ITEM V:** Location: Keokea, Kula, Makawao, Island of Maui; 2nd Div. (Maui) 2-2-004:066; AREA: 149.030 gross acres; Term: 35 years; Upset Minimum Annual Rental: \$1,175.00 per annum; payable semi-annually, in advance; Rent Reopening: To be determined; USE: Pasture. **ITEM VI:** Location: Keokea, Kula, Makawao, Island of Maui; 2nd Div. (Maui) 2-2-005:047; AREA: 19.100 gross acres; Term: 35 years; Upset Minimum Annual Rental: \$310.00 per annum; payable semi-annually, in advance; Rent Reopening: To be determined; USE: Pasture. **ITEM VII:** Location: Keokea, Kula, Makawao, Island of Maui; 2nd Div. (Maui) 2-2-005:053; AREA: 223.290 gross acres; Term: 35 years; Upset Minimum Annual Rental: \$1,790.00 per annum; payable semi-annually, in advance; Rent Reopening: To be determined; USE: Pasture. The BOA has approved the acceptance of up to five (5) “back-up” bids in the event the awardee fails to complete the leasing process.

**Public Auction Information\* DATE & TIME: July 28, 2022 at 11:00 AM; PLACE: Hawaii Department of Agriculture, Maui Office, 635 Mua Street, Kahului, Island of Maui, Hawaii.** Qualified bidders or authorized representatives must be present in person at the auction and provide an original and one copy of a government-issued photo identification of a valid driver license, state identification or passport. If bidder is a business entity, a corporate resolution identifying the authorized signor must be presented. \*DOA reserves the right to cancel the public auction, postpone or change the date of the public auction or any other deadlines, to reject any and all Applications, or request the submittal of additional information, and to waive any defects, when, in the opinion of the Chairperson of the Board of Agriculture, such action will be in the best interest of the State.

**Non-Discrimination Programs:** The DOA does not discriminate on the basis of race, color, sex, national origin, age, or disability, or any other class as protected under applicable federal or state law, in administration of its programs, or activities, and, the DOA does not intimidate or retaliate against any individual or group because they have exercised their rights to participate in actions protected, or oppose action prohibited, by 40 C.F.R. Parts 5 and 7, or for the purpose of interfering with such rights. If you have any questions about this notice or any of the DOA’s non-discrimination programs, policies, or procedures, you may contact: Morris Atta, Acting Non-Discrimination Coordinator Hawaii Department of Agriculture, 1428 South King Street, Honolulu, HI 96814, (808) 973-9560 [hdoa.titlevi@hawaii.gov](mailto:hdoa.titlevi@hawaii.gov). If you believe that you have been discriminated against with respect to a DOA program or activity, you may contact the Non-Discrimination Coordinator identified above. To request language or accessibility for completing applications, please contact the Office of the Chairperson, at (808) 973-9560 or email: [hdoa.info@hawaii.gov](mailto:hdoa.info@hawaii.gov). Please allow sufficient time for DOA to meet accommodation requests. Phyllis Shimabukuro-Geiser, Chairperson, Board of Agriculture.

(MN: Apr. 9, 2022)