

STATE OF HAWAII
DEPARTMENT OF AGRICULTURE
AGRICULTURAL RESOURCE MANAGEMENT DIVISION
HONOLULU, HAWAII

January 23, 2024

Board of Agriculture
Honolulu, Hawaii

Subject: REQUEST FOR CONSENT TO ASSIGN GENERAL LEASE NO. S-4803; ROBERT G. D'ANNA AND JAMES C. DOWNING, LESSEE/ASSIGNOR; ROBERT G. D'ANNA AND DEBORAH J. D'ANNA CO-TRUSTEES OF THE D'ANNA FAMILY JOINT REVOCABLE TRUST, DATED JUNE 21, 1994, ASSIGNEE; TMK: 3rd DIV/1-5-116:039, LOT 12, PAHOA AGRICULTURAL PARK, PUNA DISTRICT, ISLAND OF HAWAII, HAWAII

Authority: Section 166-7 Hawaii Revised Statutes, (HRS), and Section 4-153-33(a)(6)(B), Hawaii Administrative Rules (HAR)

Lessee/Assignor: Robert G. D'Anna and James C. Downing

Assignee: The D'anna Family Joint Revocable Trust, Dated June 12, 1994, as amended and restated

Land Area: 5.002 acres

Tax Map Key: 3rdDiv/1-5-116:039 (Exhibit "A")

Lease Term: 55-years, May 1, 1982, through April 30, 2037

Land Status: Encumbered by Governor's Executive Order No. 3380, dated February 26, 1988, to the Department of Agriculture for Agricultural Park Purposes

Annual Base Rent: \$830.00 per year (until 5/1/2032 re-opening)

Character of Use: Diversified Agriculture

Consideration: None

BACKGROUND:

The Board of Land and Natural Resources awarded General Lease S-4803 to Richard Iwasaki commencing on May 1, 1982 for a period of 55-years. By mesne assignment the lease was transferred to Robert G. D'Anna and James C. Downing in May 1988. General Lease S-4803 was transferred to the Department of Agriculture by Executive Order 3380, dated February 26, 1998.

Since taking over General Lease S-4803, the subject property was developed into a viable farming operation. A farm dwelling and greenhouse structures were constructed and a variety of fruit

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trees and herbs, such as but not limited to, citrus trees, lilikoi, coconut, ulu trees, papaya, avocado, spinach, and pineapple were cultivated.

In 2014, Mr. James Downing relocated off-island and has since become disabled. In accordance with Section 4-153-33(a)(6)(B), HAR, and the terms of the lease, Mr. Downing is requesting to assign his interest in General Lease S-4803 to the D'Anna Family Joint Revocable Trust, dated June 21, 1994, as amended and restated. This assignment will include a farm dwelling, greenhouse structures, and a large inventory of various crops.

Robert and Deborah D'anna, Co-Trustees of the D'Anna Family Joint Revocable Trust, dated June 21, 1994, as amended and restated, have over 35-years of farming experience. Together they've developed the subject property into the successful operation it is today. Mr. and Mrs. D'Anna would like to expand on their current production with plans to cultivate a new citrus grove and cacao orchard on the back portion of the property that has not been developed.

Mr. and Mrs. D'Anna qualify as Bona Fide Farmers with more than two (2) years of full-time farming experience and satisfy the eligibility requirements pursuant to Sections 4-153-1 and 13, HAR.

There is no consideration for the assignment of lease.

RECOMMENDATION:

That the Board of Agriculture approve the assignment of General Lease S-4803 from Robert G. D'Anna and James C. Downing, Lessee/Assignor, to the D'Anna Family Joint Revocable Trust, dated June 21, 1994, as amended and restated, Assignee. All related documents are subject to review and approval as to form by the Department of the Attorney General, and such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully submitted,



BRIAN KAU, P.E.
Administrator and Chief Engineer
Agricultural Resource Management Division

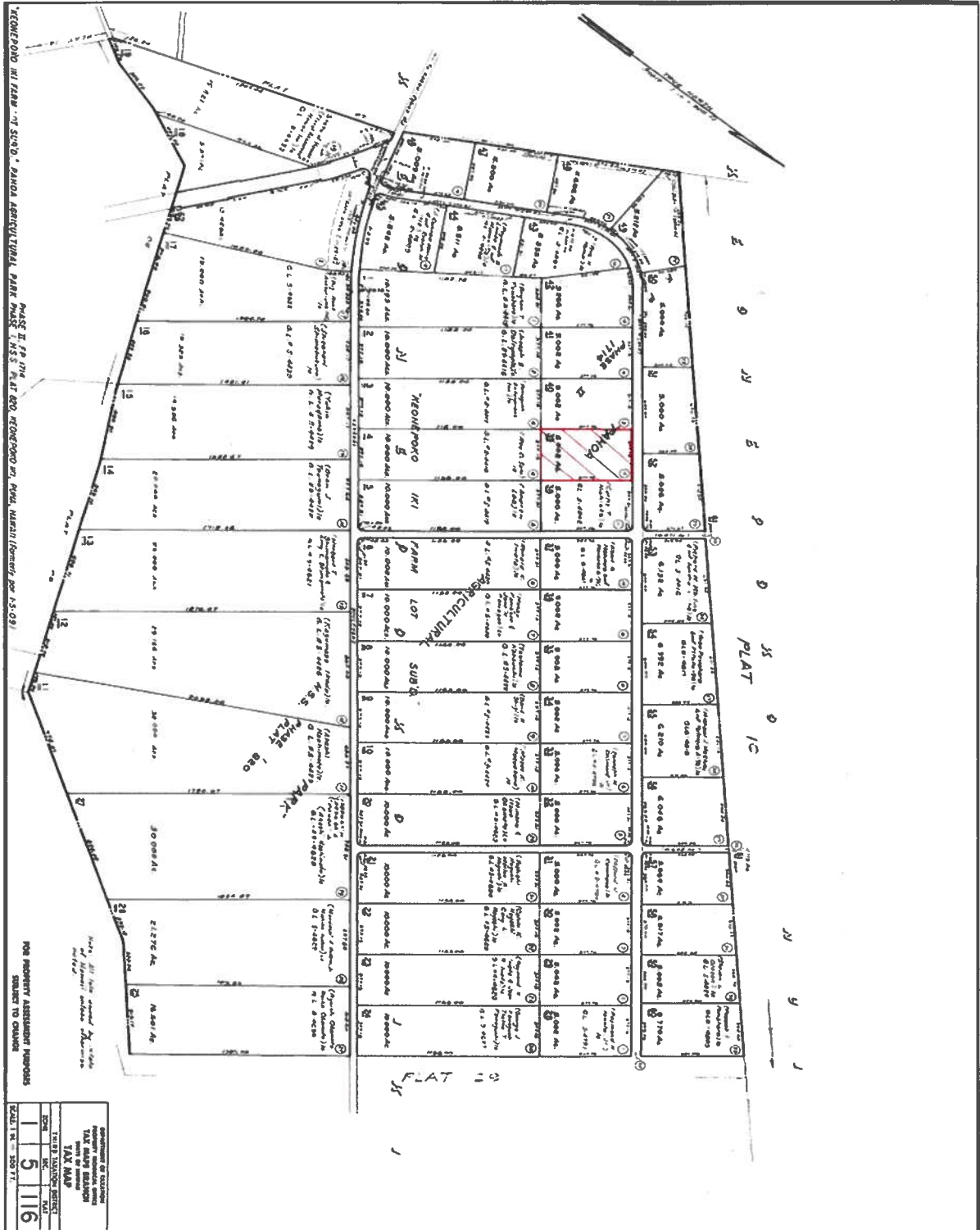
Attachments - Exhibits "A"

APPROVED FOR SUBMISSION:



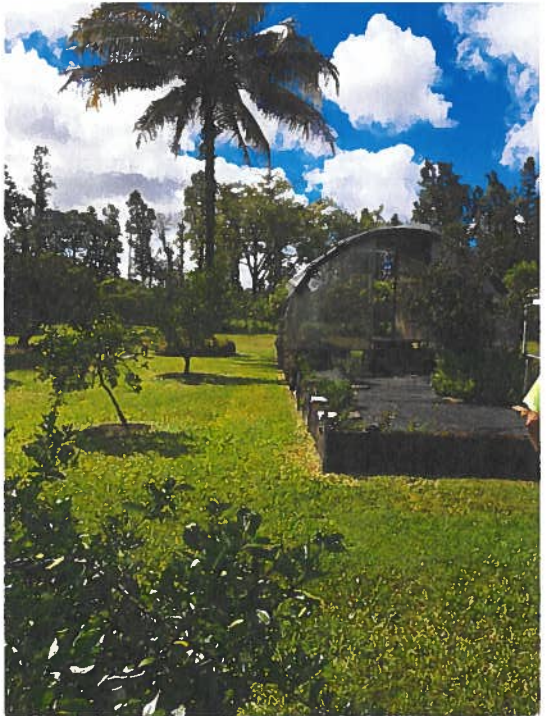
SHARON HURD
Chairperson, Board of Agriculture

EXHIBIT "A"



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Photos
General Lease S-4803





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STATE OF HAWAII
DEPARTMENT OF AGRICULTURE
AGRICULTURAL RESOURCE MANAGEMENT DIVISION
HONOLULU, HAWAII

January 23, 2024

Board of Agriculture
Honolulu, Hawaii

Subject: REQUEST TO APPROVE SUBLEASE BETWEEN THE HAMAKUA AGRICULTURAL COOPERATIVE, LESSEE/SUBLESSOR, AND WILLIAM BEACH, SUBLESSEE; GENERAL LEASE NO. S-5551, TMK: 3rd DIV/4-6-003:020, LOT NO'S 2B AND 2D, HONOKAIA, HAMAKUA, ISLAND OF HAWAII, HAWAII

Authority: Section 166E-6 Hawaii Revised Statutes, (HRS), and Section 4-158-19(a)(6), Hawaii Administrative Rules (HAR)

Lessee/Sublessor: Hamakua Agricultural Cooperative

Sublessee: William Beach

Land Area: Approximately 12.092 acres – Lot 2B
Approximately 7.140 acres – Lot 2D

Tax Map Key: 3rdDiv/4-6-003:020 (Exhibit "A")

Land Status: The Hamakua lands were transferred to the Department of Agriculture by Governor's Executive Order No. 4250, dated October 22, 2008, pursuant to Act 90, SLH 2003

Lease Term: 35-years, June 30, 1998 through June 29, 2033

Sub-Lease Term: November 15, 2023 to June 29, 2033

Annual Base Rent: \$1,328.19/year – Lot 2B
\$ 784.26/year – Lot 2D

Character of Use: General Agricultural Purposes in accordance with a Plan of Utilization and Development approved by the Department

BACKGROUND:

William Beach is requesting to sublease Lots 2B and 2D, under General Lease S-5551, consisting of approximately 19.232 acres in total. Mr. Beach is currently a member of the Hamakua Agricultural Cooperative and holds a sub-lease for lots 1, 2A, and 2C under General Lease S-5551, where he grows various orchard trees and raises cattle. Mr. Beach is requesting to sublease Lots 2B and 2D, which are contiguous to his existing lots, to expand on his current farming operation.

ALC

William Beach is a sub-lessee in good standing and qualifies as a bona fide farmer with more than 2 years of full-time farming experience and meets the application and eligibility requirements in accordance with sections 4-158-1 and 27, HAR.

RECOMMENDATION:

That the Board of Agriculture approve the Sublease between the Hamakua Agricultural Cooperative, Lessee/Sublessor, and William Beach, Sublessee, for Lot No's. 2B and 2D in Honokaia, under General Lease S-5551, through the expiration date of June 29, 2033, and further subject to the review and approval as to form of the consent document by the Department of the Attorney General, and such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully submitted,



BRIAN KAU, P.E.
Administrator and Chief Engineer,
Agricultural Resource Management Division

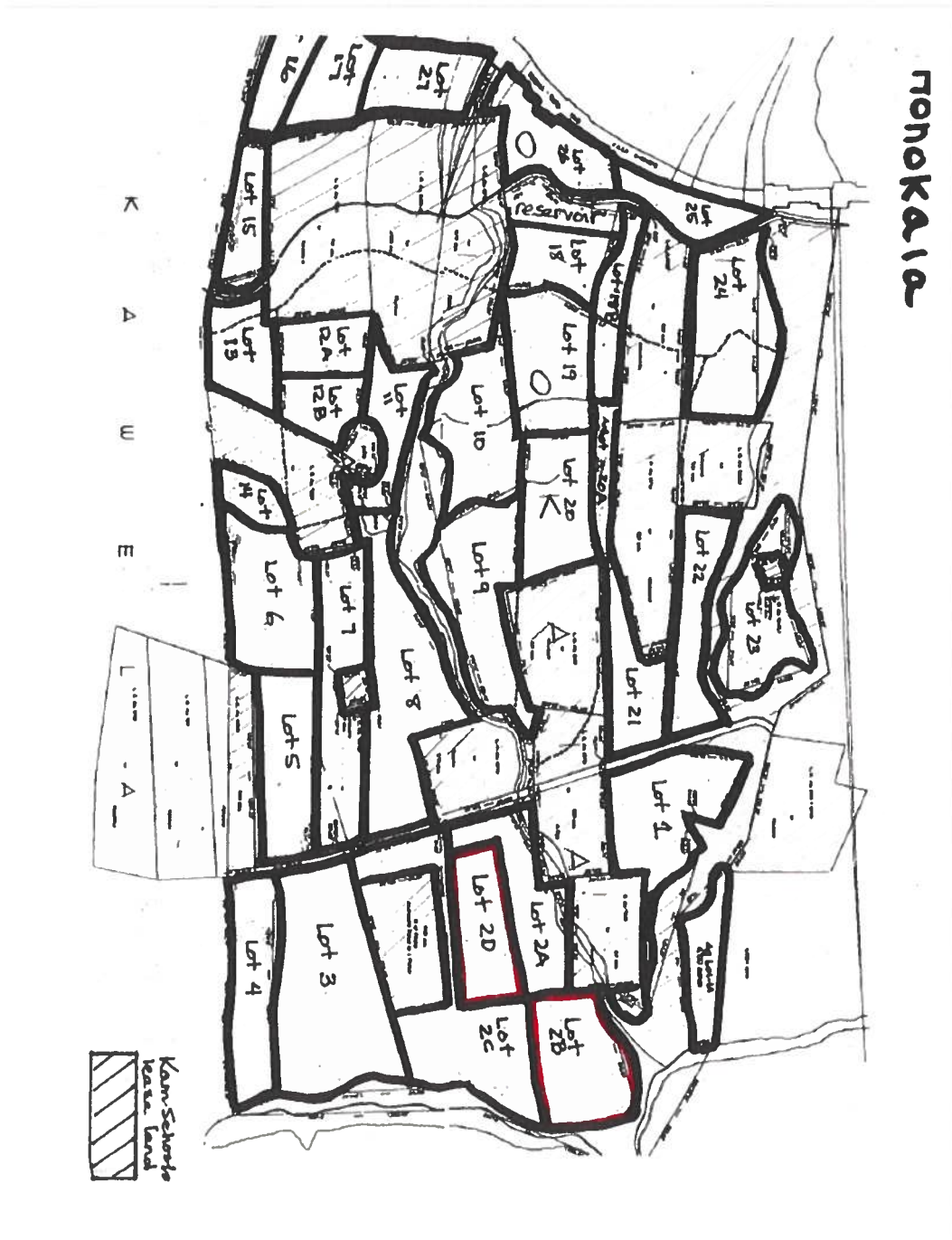
Attachment - Exhibit "A"

APPROVED FOR SUBMISSION:



SHARON HURD
Chairperson, Board of Agriculture

EXHIBIT "A"



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Photo of General Lease S-5551, Lot 2B



Photo of General Lease S-5551, Lot 2D

