

PUBLIC NOTICE

NEGOTIATION FOR LEASE NON-AGRICULTURAL PARK LAND ON THE ISLANDS OF HAWAII AND MAUI

The Hawaii Department of Agriculture (“DOA”) is accepting applications to qualify for agricultural leases on the Islands of Hawaii and Maui.

Pursuant to Hawaii Revised Statutes (HRS) Chapter §166-E-11 and Hawaii Administrative Rules (HAR) Chapter §4-158-27-29 the Department of Agriculture, State of Hawaii, (“DOA”), is accepting applications for agricultural leases on the Islands of Hawaii and Maui. Applications and information regarding the lease dispositions are available Monday through Friday, (excluding holidays) from 7:45 a.m. to 4:30 p.m. at the DOA’s Agricultural Resource Management Division (“ARM”), 1428 South King Street, Honolulu or at 16 Lanikaula St., Hilo, or by calling the following toll free numbers listed by islands: Kauai, (808) 274-3141, ext. 39473; Maui, (808) 984-2400, ext. 39473; Molokai and Lanai, 1800-468-4644, ext. 39473; Oahu, (808) 973-9473; or on Hawaii, (808) 974-4150. Information is also available from the DOA’s website at <http://hdoa.hawaii.gov/arm/>.

Application forms (one original and one copy and attachments) shall be filed with the ARM at 1428 South King Street, Honolulu, Hawaii 96814 or at 16 Lanikaula St., Hilo, Hawaii 96720 no later than **3:00 p.m. on April 30, 2024**. Any person who has failed to submit one original and one copy of the application and all required attachments by this date and time will not be allowed to submit a proposal. The DOA will review applications, verify applicant qualifications and determine those qualified. All applicants shall be notified in writing of the result of the application review. Any questions or inquiries should be directed to the toll free number(s) above. Each applicant shall be informed in writing as to the Applicant’s eligibility to submit a proposal.

ELIGIBILITY OF APPLICANTS

1. Any person shall be eligible to apply if they are a (a) U.S. citizen, who has resided in the State for three years; or (b) permanent status alien who has resided in the State for five years; and (c) bona fide farmer or new farmer as defined in §4-158-1, Definitions, Hawaii Administrative Rules (“HAR”).
2. In the case of agricultural cooperatives, associations, partnerships, corporations and limited liability companies, the residence 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.
3. No person shall be eligible to lease agricultural lands who, during the five 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.
4. All persons interested in applying for available farm lots shall comply with §4-158-27, HAR, Application requirements and be subject to §4-158-28, HAR, Preference right.

SUBMISSION OF PROPOSAL

Upon notification by DOA that an applicant is qualified, DOA shall request a proposal for lease to be submitted within 30 days after receipt of notification. The Board of Agriculture (“BOA”) shall review all proposals received and shall accept the proposal with the best negotiated terms. All applicants shall be contacted by the ARM regarding the disposition of their proposals, of which the successful proposal shall be the subject to the satisfactory completion of the conditions stated in §4-158-20, HAR, Additional terms and conditions. The awardee (qualified applicant) 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 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 months after a proposal is accepted, the award shall be rescinded.

SUMMARY OF SIGNIFICANT LEASE PROVISIONS

1. Uses will be permitted only as shown on the parcel list.
2. Lessee will be required to support the operations and maintenance costs of the irrigation project, as applicable. Lessee shall become a participant in an irrigation project as may be created under Chapter 167, Hawaii Revised Statutes, and abide by the irrigation project’s rules, rates and charges.
3. No residential dwellings shall be allowed, except as approved by the BOA.
4. Transfer, assignment or sublease of an agricultural land lease 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 lot 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 applicable state and county laws, ordinances, rules and regulations and lease provisions.

Parcels to be disposed of:

ITEM I: 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: \$941.00 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) 2-2-005:047; AREA: 19.100 gross acres; Term: 35 years; Upset Minimum Annual Rental: \$258.00 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) 2-2-005:053; AREA: 223.290 gross acres; Term: 35 years; Upset Minimum Annual Rental: \$1,508.00 per annum; payable semi-annually, in advance; Rent Reopening: To be determined; USE: Pasture.

ITEM IV: Location: Waiakea, South Hilo, Island of Hawaii; 3rd Div. (Hawaii) 2-4-049:004; AREA: 10.021 gross acres; Term: 35 years; Upset Minimum Annual Rental: \$4,090.00 per annum; payable semi-annually, in advance; Rent Reopening: To be determined; USE: Diversified Agriculture.

ITEM V: Location: Waiakea, South Hilo, Island of Hawaii; 3rd Div. (Hawaii) 2-4-049:006; AREA: 10.008 gross acres; Term: 35 years; Upset Minimum Annual Rental: \$4,080.00 per annum; payable semi-annually, in advance; Rent Reopening: To be determined; USE: Diversified Agriculture.

ITEM VI: Location: Waiakea, South Hilo, Island of Hawaii; 3rd Div. (Hawaii) 2-4-049:024; AREA: 10.231 gross acres; Term: 35 years; Upset Minimum Annual Rental: \$3,360.00 per annum; payable semi-annually, in advance; Rent Reopening: To be determined; USE: Diversified Agriculture.

ITEM VII: Location: Kaimu, Puna, Island of Hawaii; 3rd Div. (Hawaii) 1-2-006:015; AREA: 335 gross acres; Term: 35 years; Upset Minimum Annual Rental: \$734.00 per annum; payable semi-annually, in advance; Rent Reopening: To be determined; USE: Pasture.

ITEM VIII: Location: Kaimu, Puna, Island of Hawaii; 3rd Div. (Hawaii) 1-2-006:016; AREA: 105 gross acres; Term: 35 years; Upset Minimum Annual Rental: \$231.00 per annum; payable semi-annually, in advance; Rent Reopening: To be determined; USE: Pasture.

ITEM IX: Location: Volcano Farm Lots, Olaa, Puna, Island of Hawaii; 3rd Div. (Hawaii) 1-9-001:018; AREA: 29,880 gross acres; Term: 35 years; Upset Minimum Annual Rental: \$1,675.00 per annum; payable semi-annually, in advance; Rent Reopening: To be determined; USE: Diversified Agriculture.

The BOA has approved the acceptance of up to five (5) “back-up” proposals in the event the initial awardee fails to complete the leasing process.

The general lease provisions describing the terms and conditions, property map, lot descriptions, and Chapter 4-158, HAR, are available on the DOA’s website: <https://hdoa.hawaii.gov/arm/> or may be examined at the offices below:

- 1428 South King Street, Honolulu, HI 96814-2512, Tel. (808) 973-9473,
- 16 East Lanikaula Street, Hilo, HI 96720-4302 Tel. (808) 974-4150.

The disposition of lease(s) may be canceled, postponed or continued from time to time, as may be deemed necessary, by publication of notice to that effect by order of the Chairperson of the BOA. DOA reserves the right to cancel the public notice, postpone or change the date of the application deadline or any other deadlines, to reject any and all applications, including the proposals, 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.

NOTICE OF NON-DISCRIMINATION:

HDOA is committed to maintaining an environment free from discrimination, retaliation, or harassment on the basis of race, color, sex, national origin, age, or disability, or any other class as protected under federal or state law, with respect to any program or activity. For more information, including language accessibility and filing a complaint, please contact HDOA Non-Discrimination Coordinator at (808) 973-9560, or visit HDOA’s website at <http://hdoa.hawaii.gov/>. To request translation, interpretation, modifications, accommodations, or other auxiliary aids or service for this document, contact the HDOA at (808) 973-9473 or email hdoa.armd@hawaii.gov. Sharon Hurd, Chairperson, Board of Agriculture

(MN: Mar. 8, 2024)