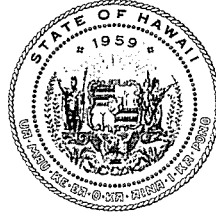
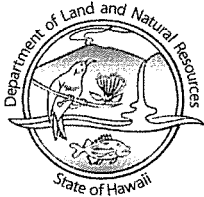


DAVID Y. IGE  
GOVERNOR OF HAWAII



STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
OFFICE OF CONSERVATION AND COASTAL LANDS  
POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

CARTY S. CHANG  
ACTING CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT  
FIRST DEPUTY  
WILLIAM M. TAM  
INTERIM DEPUTY DIRECTOR - WATER  
AQUATIC RESOURCES  
BOATING AND OCEAN RECREATION  
BUREAU OF CONVEYANCES  
COMMISSION ON WATER RESOURCE MANAGEMENT  
CONSERVATION AND COASTAL LANDS  
CONSERVATION AND RESOURCES ENFORCEMENT  
ENGINEERING  
FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KAHO'OLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

Ref: OCCL:LY

CORR: HA 15-119

Mr. Ken Church  
400 Hualani Street, Suite 275  
Hilo, Hawai'i 96720

JAN 28 2015

SUBJECT: Existing Land Uses at Wailea, South Hilo, Hawai'i  
Tax Map Key (TMK): (3) 2-9-003: 013, 029, and 060

Dear Mr. Church:

The Office of Conservation and Coastal Lands (OCCL) is in receipt of your inquiry regarding existing squash, sweet potato, and taro crops currently being cultivated on the subject properties.

Based on the information you have provided, you are inquiring whether or not the current crops found on your properties could be considered a nonconforming use as the area was once cultivated for sugar cane. What you have described appears to be more appropriately described as a garden, which the Department has no objections to. As it was existing prior to you purchasing the property, the Department has no concerns with the continued cultivation of squash, sweet potato, taro.

To characterize the lands as a nonconforming agricultural use, you as the landowner, would need to submit proof that such lands were indeed used for agriculture production. Pursuant to Hawai'i Revised Statutes (HAR) 13-5-7 (f), *The burden of proof to establish that the land use or structure is legally nonconforming shall be on the applicant.* Proof may include historic photos or records showing that the specific area in question was used for agriculture.

If you have any questions in regards to this correspondence, please contact Lauren Yasaka of our Office at (808) 587-0386.

\*

Sincerely,

A large, stylized handwritten signature in black ink, appearing to read "Samuel A. Lemmo".

Samuel A. Lemmo, Administrator  
Office of Conservation and Coastal Lands

c: HDLO  
County of Hawai'i, Dept. of Planning