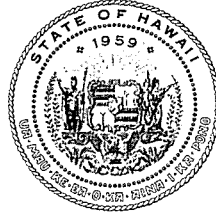
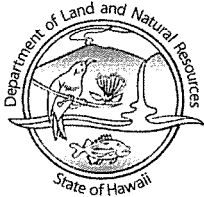


DAVID Y. IGE
GOVERNOR OF HAWAII



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