

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Land Division
Honolulu, Hawaii 96813

April 13, 2017

PSF No.: 14KD-153

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

KAUAI

Sale of Remnant (abandoned ditch/pipeline) to Leonard F. Rosa, Sr. and Ethelyn K. Rosa, Castro Tract, Kapaa Homesteads, 4th Series, Kawaihau, Kauai, Tax Map Key: (4) 4-6-010: portion of 004 & 005.

APPLICANT:

Leonard F. Rosa, Sr. and Ethelyn K. Rosa, husband and wife, Tenants by the Entirety.

LEGAL REFERENCE:

Section 171-52, Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government lands of Castro Tract, situated at Kapaa Homesteads, 4th Series, Kawaihau, Kauai, identified by Tax Map Keys: (4) 4-6-010: Portion of 004 (ditch) & 005 (pipeline), as shown on the attached maps labeled Exhibit A.

AREA:

0.0944 acres, more or less.

ZONING:

State Land Use District: Urban
County of Kauai CZO: Agriculture

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act
DHHL 30% entitlement lands pursuant to the Hawaii State Constitution:
YES ____ NO x

CURRENT USE STATUS:

Vacant and Unencumbered.

CONSIDERATION:

One-time lump sum payment of fair market value to be determined by independent or staff appraiser, subject to review and approval by the Chairperson.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with Hawaii Administrative Rule Sections 11-200-8(a)(1) & (4) and the Exemption List for the Department of Land and Natural Resources approved by the Environmental Council on June 5, 2015, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 1, that states "Operations, repairs or maintenance of existing structures, facilities, equipment, or topographical features, involving negligible or no expansion or change of use beyond that previously existing" and Item No. 44, "Transfer of title to land." See Exhibit B.

DCCA VERIFICATION:

Not applicable. Applicant as a landowner is not required to register with DCCA.

APPLICANT REQUIREMENTS:

Applicant shall be required to:

- 1) Provide survey maps and descriptions according to State DAGS standards and at Applicant's own cost.
- 2) Pay for an appraisal to determine the one-time payment of the remnants, at fair market price, and at applicant's own cost; and
- 3) Consolidate the remnant with the Applicant's abutting properties through the County of Kauai's subdivision process.

REMARKS:

Leonard F. Rosa, Sr. and Ethelyn K. Rosa are the owners of adjacent private properties, identified as Tax Map Keys: (4) 4-6-010:029, 030 & 049, as confirmed with the County of Kauai, Real Property Tax Office.

Pursuant to Section 171-52, HRS, a remnant is defined as "a parcel of land economically or physically unsuitable or undesirable for development or utilization as a separate unit by reason of location, size, shape, or other characteristics." The subject parcel has been determined to be a remnant by this definition for the following reasons:

- 1) The parcel is a discontinued abandoned ditch and pipeline right-of-way.

Parcel identified as TMK: (4) 4-6-010:004 is an abandoned ditch right-of-way, and TMK: (4) 4-6-010:005 is an abandoned pipeline right-of-way. Applicant is purchasing only the portion that abuts Applicant's property.

Another abutting landowner to the subject remnants is Hawaiian Telcom Inc., owner of Tax Map Key: (4) 4-6-010:043. On August 24, 2014, Hawaiian Telcom Inc. was notified of the availability of the remnant for purchase, but has indicated that it is not interested to purchase the remnant ditch or pipeline.

Various neighboring private landowners have made similar requests to purchase portions of the same remnants that abut their respective private properties.

At its meeting of December 13, 2013, item D-5, the Land Board approved the sale of portions of the remnant to the George Y. Tsukamoto and Chiyoko Tsukamoto, owners of TMK: (4) 4-6-010:035 & 036.

At its meeting of July 8, 2016, item D-1, the Land Board approved the sale of portions of the remnant to the Stephen P. Rapozo Sr. Trust, Mervin & Fay Rapozo Trust, Doreen A, Rita, and Madeline M. Yamaguchi, landowners of TMK: (4) 4-6-010:027 & 028.

Applicant has not had a lease, permit, easement or other disposition of State lands terminated within the last five years due to non-compliance with such terms and conditions.

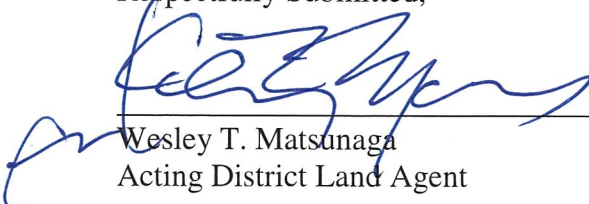
On August 28, 2014 various government agencies and interest groups were solicited for comments. The only respondents were the Department of Health and County Public Works, who had no objections to the request. The others solicited did not respond.

AGENCIES	COMMENTS
County of Hawaii:	
Planning Department	No response
Public Works	No objections
State of Hawaii:	
DLNR - CWRM	No response
DLNR - Historic Preservation	No response
DOH	No environmental health concerns
Other Agencies/ Interest Groups:	
Office of Hawaiian Affairs	No response
EKWUC-East Kauai Water Users Co-op	No response

RECOMMENDATION: That the Board:

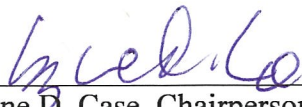

1. Find that the subject lands are economically or physically unsuitable or undesirable for development or utilization as a separate unit by reason of location, size, shape, or other characteristics and, therefore, by definition is a remnant pursuant to Chapter 171, HRS.
2. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Chapter 11-200, HAR, this project will probably have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment.
3. Authorize the subject requests to be applicable in the event of a change in the ownership of the abutting parcel described as Tax Map Key: (4) 4-6-010:029, 030 & 049, provided the succeeding owner has not had a lease, permit, easement or other disposition of State lands terminated within the last five (5) years due to non-compliance with such terms and conditions.
4. Authorize the subdivision and consolidation of the subject remnant by the applicant, and at applicant's own expense.
 - A. Tax Map Key: (4) 4-6-010:004-A (ditch) & 005-A (pipeline) to be consolidated with Tax Map Key: (4) 4-6-010:029; and
 - B. Tax Map Key: (4) 4-6-010:004-B (ditch) & 005-B (pipeline) to be consolidated with Tax Map Key: (4) 4-6-010:049.
5. Subject to the Applicant fulfilling all of the Applicant Requirements listed above, authorize the sale of the subject remnant to Leonard F. Rosa, Sr. and Ethelyn K. Rosa covering the subject area under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:
 - A. The standard terms and conditions of the most current deed or grant (remnant) form, as may be amended from time to time;
 - B. Review and approval by the Department of the Attorney General; and
 - C. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,



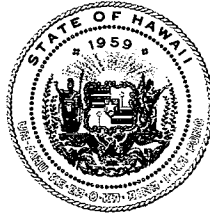
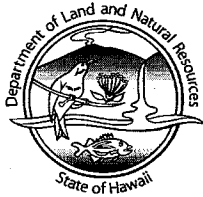
Wesley T. Matsunaga
Acting District Land Agent

APPROVED FOR SUBMITTAL:

Suzanne D. Case, Chairperson

DAVID Y. IGE
GOVERNOR OF HAWAII



SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE
MANAGEMENT

**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION**

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

April 13, 2017

EXEMPTION NOTIFICATION

Regarding the preparation of an environmental assessment pursuant to Chapter 343, HRS and Chapter 11-200, HAR.

Project Title:	Sale of Remnant (abandoned ditch/pipeline) to Leonard F. Rosa, Sr. and Ethelyn K. Rosa, Castro Trac.
Project / Reference No.:	PSF No.: 14KD-153
Project Location:	Kapaa Homesteads, 4 th Series, Kawaihau, Kauai, Tax Map Key: (4) 4-6-010: portion of 004 & 005.
Project Description:	Sale of Remnant (abandoned ditch/pipeline).
Chap. 343 Trigger(s):	Use of State land.
Exemption Class No. and Description:	In accordance with Hawaii Administrative Rule Sections 11-200-8(a)(1) & (4) and the Exemption List for the Department of Land and Natural Resources approved by the Environmental Council on June 5, 2015, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 1, that states "Operations, repairs or maintenance of existing structures, facilities, equipment, or topographical features, involving negligible or no expansion or change of use beyond that previously existing."
Exemption Item Description from Agency Exemption List:	Item No. 44, "Transfer of title to land." The proposed action is the transfer of title in a State-owned remnant to a private owner. In the past, several similar segments of the subject remnants were sold to abutting owners.

EXHIBIT B


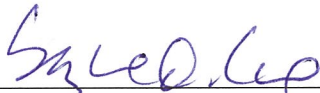
The dispositions have resulted in no known significant impacts to the natural and environmental resources in the area. As such staff believes that the proposed disposition would involve negligible or no expansion or change in use of the subject area beyond that previously existing.

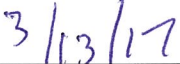
Consulted Parties:

Agencies listed in submittal.

Recommendation:

It is recommended that the Board declare that this disposition will probably have minimal or no significant effect on the environment and is presumed to be exempt from the preparation of an environmental assessment.

Suzanne D. Case, Chairperson


Date