

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

February 9, 2018

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

PSF No.: 14HD-087

Hawaii

**Sale of Abandoned Powerline Right-of-Way Remnants to Vinh Duc Ta, Olaa,
Puna, Hawaii, Tax Map Key: (3) 1-7-001:014 & 039.**

APPLICANT:

Vinh Duc Ta, a single man, Tenant in Severalty.

LEGAL REFERENCE:

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

LOCATION:

Portion of Government lands of Olaa Reservation Lots situated at Kurtistown, Puna, Hawaii, identified by Tax Map Key: (3) 1-7-001:014 & 039, as shown on the attached map labeled Exhibit A.

AREA:

Parcel 014 = 805 square feet, more or less;
Parcel 039 = 8,759 square feet, more or less;

ZONING:

State Land Use District: Urban
County of Hawaii CZO: Residential (RS-10)

TRUST LAND STATUS:

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

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 and dated June 5, 2015, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 1, Item No. 44, "Transfer of title to land". (Refer to attached Exhibit B).

DCCA VERIFICATION:

Not applicable. The Applicant as an individual is not required to register with DCCA.

APPLICANT REQUIREMENTS:

Applicant shall be required to:

- 1) Pay for a DLNR contracted appraisal to determine the one-time payment of fair market value for the remnant;
- 2) Consolidate the remnant with the Applicant's abutting property through the County subdivision process; and
- 3) Provide survey maps and descriptions according to State DAGS standards and at Applicant's own cost.

REMARKS:

The subject parcels were part of General Lease No. 3247 (GL3247) sold at public auction on January 16, 1948, for a period of 21 years, to Hilo Electric Light Company, Limited, the predecessor to Hawaii Electric Light Company (HELCO).

GL3247 expired on January 15, 1969 and was replaced with Revocable Permit No. S-4548. Issuance of the revocable permit was to cover the time period needed to move the electrical transmission lines from the subject parcels into a right-of-way adjacent to the new Volcano Highway. The transmission lines were moved into the new right-of-way and the revocable permit was cancelled on January 24, 1971.

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 parcels are part of an abandoned power line right-of-way.

Applicant is the owner of parcel (3) 1-7-001:016 & 040 as staff has confirmed by research through the Hawaii County Real Property Tax Office and Land Shark. Other abutting properties to the subject remnant parcel include:

- (3) 1-7-001:036 Gary Kamulani Ahu, Sr. & Kaalalani Ahu;
- (3) 1-7-001:035 Gary M & Gayle Yoshinaga Trust & Wanda S. Matsukado Trust;
- (3) 1-7-017:003 Westside Management LLC & Dgade of Delaware LLC.

According to Section 171-52, HRS, if there is more than one abutting owner who is interested in purchasing the remnant, it shall be sold to the one submitting the highest sealed bid or if the remnant abuts more than one parcel, the Board may subdivide the remnant so that a portion may be sold to each abutting owner.

The Hawaii District Land Office sent letters to all abutting property owners. No responses were received.

Both of the remnant parcels and both of the Applicant's parcels will be consolidated into one larger parcel. The consolidation of the remnant parcels is a condition of the sale.

Staff solicited comments from various agencies the results of which are summarized in the table below:

State Agencies	Response
DOA	No Response
Dept. of Hawaiian Homes Land	No Response
DLNR - State Parks	No Response
Hawaii County Agencies	Response
Planning Dept.	No Comments
Parks & Recreation	No Objections
Dept. of Public Works	No Objections/Comments
Other Agencies	Response
Office of Hawaiian Affairs	No Response
HELCO	No Objections

The 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.

RECOMMENDATION:

That the Board:

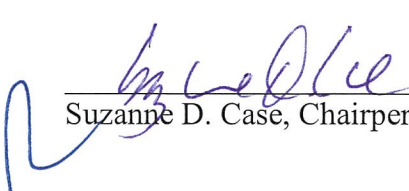
1. Find that the subject lands are economically or physically unsuitable or undesirable for development or utilization as a separate unit by reason of location, size, shape, or other characteristics and, therefore, by definition are remnants pursuant to Chapter 171, HRS.
2. Declare that, after considering 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. Subject to the Applicant fulfilling all of the Applicant Requirements listed above, authorize the sale of the subject remnants to Vinh Duc Ta 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 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,



Candace Martin
Land Agent

APPROVED FOR SUBMITTAL:



Suzanne D. Case, Chairperson

EXHIBIT A

PLAT 17

GRANT

3978

(3) 1-7-001:040
Owned by Applicant

(3) 1-7-001:016 & 039
Government Remnants

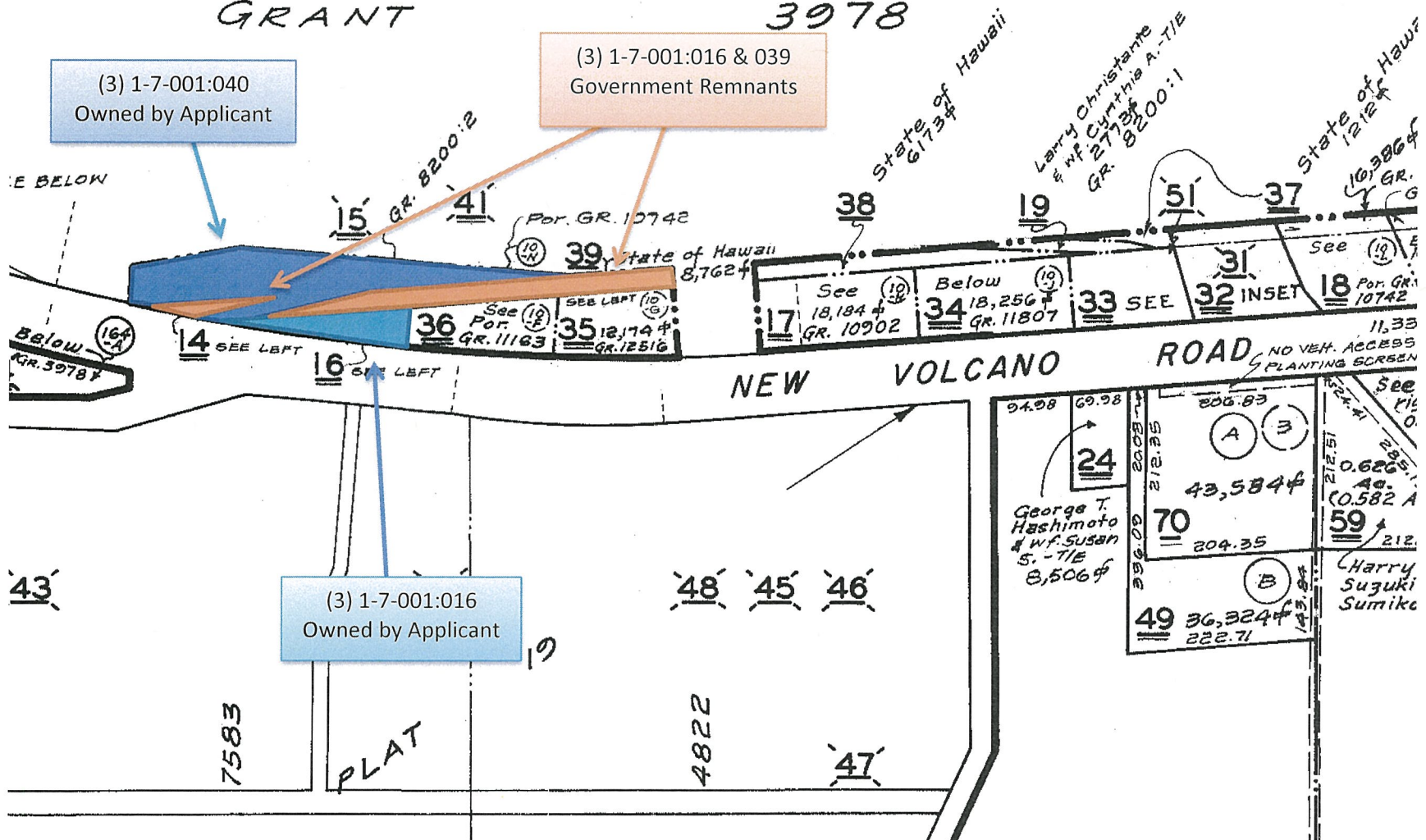
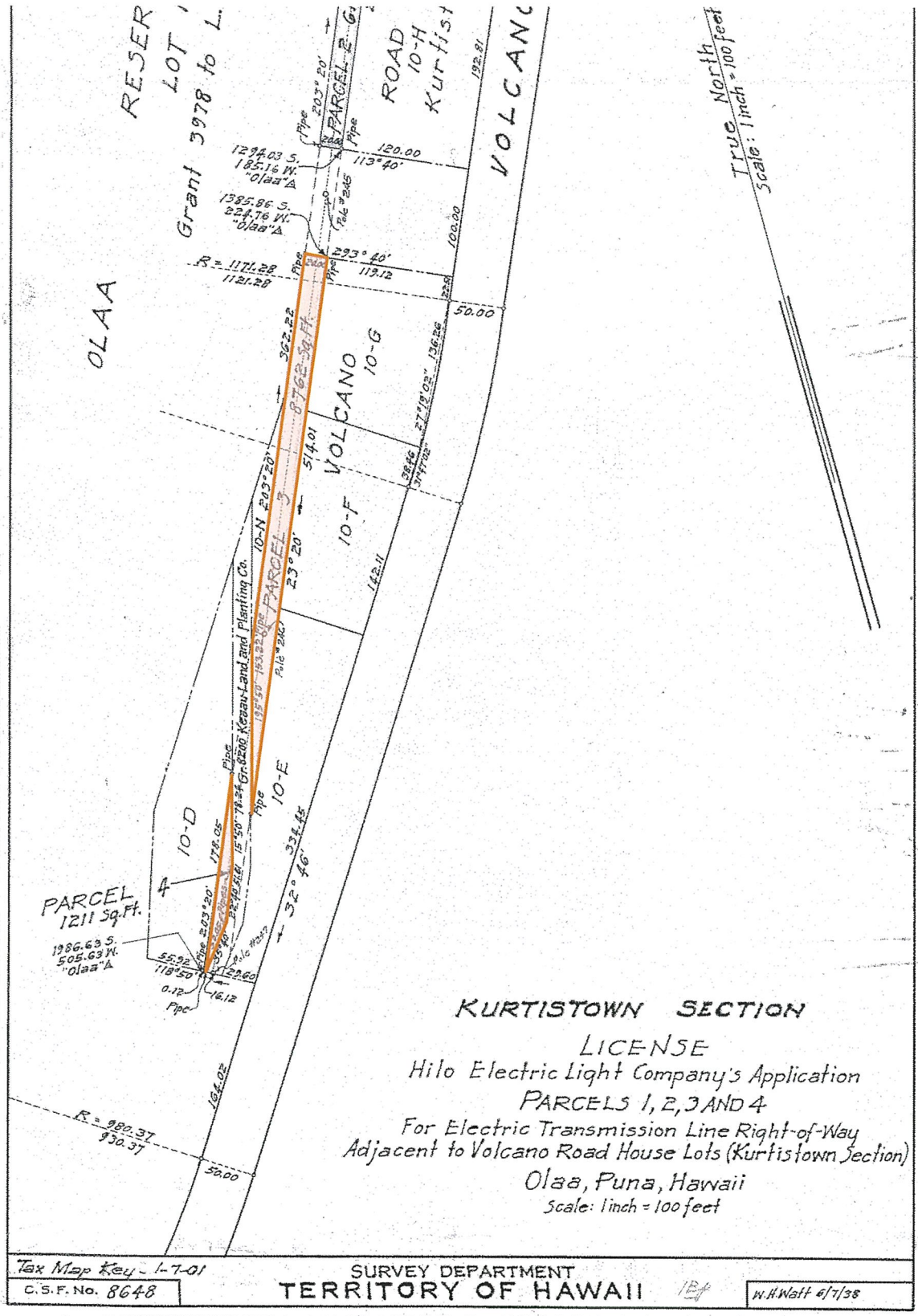
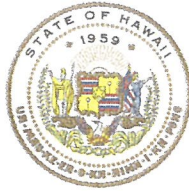
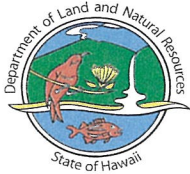


EXHIBIT A



DAVID Y. IGE
GOVERNOR OF HAWAII



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

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

January 19, 2018

EXHIBIT B

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

ROBERT K. MASUDA
FIRST DEPUTY

JEFFREY T. PEARSON, P.E.
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
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

EXEMPTION NOTIFICATION

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

Project Title: Sale of Abandoned Powerline Right-of-Way Remnants to Vinh Duc Ta

Project / Reference No.: PSF 14HD-087

Project Location: Olaa, Puna, Hawaii, Tax Map Key: (3) 1-7-001:014 & 039.

Project Description: Sale of 2 remnant portions of an abandoned powerline right-of-way. The parcels have been determined to be remnants pursuant to section 171-52, HRS because they are unsuitable for utilization as separate units by reason of size and shape.

Chap. 343 Trigger(s): Use of State Land.

Exemption Class No.: 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 and dated June 5, 2015, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 1, Item No. 44, "Transfer of title to land".

Authorization: The Board, at its meeting of September 25, 2015, under agenda item D-17, delegated authority to the Chairperson to declare exempt those actions that are included in the Department-wide exemption list.

Consulted Parties: State of Hawaii: DHHL, DOT-Highways and Historic Preservation

County of Hawaii: Planning Dept., Public Works and Water Supply

Other Agencies: Office of Hawaiian Affairs and Hawaii Electric Light Company.

Recommendation:

That the Board find this project will probably have minimal or no significant effect on the environment and is presumed to be exempt from the preparation of an environmental assessment.