

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

June 28, 2019

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

PSF No.: 18KD-002
18KD-003

KAUAI

Quitclaim of State's Interests, if Any, in Portions of Remnant Parcel (Parcel R) to:
(i) Nancy Y. Kurokawa and Grace M. Hall, Co-Trustees of the Conrad I. Nonaka Revocable Living Trust, dated October 31, 1991, Hanapepe, Waimea, Kauai, Tax Map Key: (4) 1-9-010:011 (por.) and (ii) Russell H. Nonaka, Trustee of the Russell H. Nonaka Trust, and Christine M. Nonaka, Trustee of the Christine M. Nonaka Trust, and Hanapepe, Waimea, Kauai, Tax Map Key: (4) 1-9-010:053 (por.).

APPLICANTS:

Nancy Y. Kurokawa and Grace M. Hall, Co-Trustees of the Conrad I. Nonaka Revocable Living Trust, dated October 31, 1991, Tax Map Key: (4) 1-9-010:011 (por.).

Russell H. Nonaka, Trustee of the Russell H. Nonaka Trust, and Christine M. Nonaka, Trustee of the Christine M. Nonaka Trust, Tax Map Key: (4) 1-9-010:053 (por.), the whole being held as tenants in common as to a 50% undivided interest each.

LEGAL REFERENCE:

Section 171-52, Hawaii Revised Statutes (HRS), as amended.

LOCATION:

A remnant, Parcel R, portions of abandoned road right-of-way previously a portion of Puolo Road, situated at Hanapepe, Waimea, Kauai, identified by Tax Map Keys: (4) 1-9-010:011 (por.) and (4) 1-9-010:053 (por.), as shown on the attached maps labeled EXHIBIT A.

AREA:

Remnant Parcel R: 0.0283 acre, or 1,233 square feet, more or less.

Portion of Remnant Parcel R, identified by Tax Map Key: (4) 1-9-010:011 (por.) to Nancy Y. Kurokawa and Grace M. Hall, Co-Trustees of the Conrad I. Nonaka Trust.

Portion of Remnant Parcel R, identified by Tax Map Key: (4) 1-9-010:053 (por.) to Russell H. Nonaka, Trustee of the Russell H. Nonaka Trust, and Christine M. Nonaka as Trustee of the Christine M. Nonaka Trust.

ZONING:

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

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act

DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: YES

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," Item No. 44, "Transfer of title to land." See EXHIBIT B.

DCCA VERIFICATION:

Not applicable. The Applicants as landowners are not required to register with DCCA.

APPLICANTS REQUIREMENTS:

Applicants shall be required to:

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

REMARKS:

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 reason:

On June 1954, the abandoned remnant parcel, now identified by Tax Map Keys: (4) 1-9-010:011 (por.) and (4) 1-9-010:053 (por.), was created by the realignment of Puolo Road by the County of Kauai and was designated as Parcel R.

As evidenced by instrument recorded on January 19, 1977, Hideo and Fujiko Nonaka purchased the parcel identified as Tax Map Key: (4) 1-9-010:069 (Parcel 69).

On July 28, 1995, Hideo and Fujiko Nonaka, as Grantors, conveyed Parcel 69 to Conrad and Russell Nonaka, as Grantees.

On December 13, 2016, Parcel 69 was subdivided into two parcels designated as Tax Map Keys: (4) 1-9-010:011 (Parcel 11) and (4) 1-9-010:053 (Parcel 53).

The Conrad I. Nonaka Revocable Living Trust became the fee owner of Parcel 11; while the Russell H. Nonaka Trust and Christine M. Nonaka Trust became the fee owners of Parcel 53.

Parcel R was designated as portions of Tax Map Keys: (4) 1-9-010:011 (Parcel 11-R) and (4) 1-9-010:053 (Parcel 53-R) adjacent to the applicants' parcels (See EXHIBIT A).

On June 2, 2018, Conrad I. Nonaka passed away, which transferred ownership of Parcel 11 to Nancy Y. Kurokawa and Grace M. Hall, as the current trustees of the Conrad I. Nonaka Revocable Living Trust.

The creation of Parcel R prevented the applicants from accessing Puolo Road, rendering the applicants' parcels landlocked. Therefore, the Board quitclaiming the State's interests, if any, in Parcel R will give the applicants legal access to Puolo Road.

Because applicants' request pertains to a road remnant, Land Division wrote to the County of

Kauai, Department of Public Works on April 15, 2019 to inquire whether the County would acknowledge ownership of the remnant and process its conveyance to the applicants. Land Division even suggested that a request could be presented to the Board to quitclaim any interest of the State in the remnant to the County to clear any jurisdictional dispute as between the State and the County. However, the County declined to acknowledge ownership of the remnant. See Exhibit 3 attached. To avoid a situation where the remnant remains in a state of limbo indefinitely, staff is therefore recommending that the State convey the remnant to the applicants by quitclaim deed because the State's interest in the road remnant is questionable.

The applicants have 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. Various government agencies and interest groups were solicited for comments.

AGENCIES	COMMENTS
County of Kauai:	
Department of Water	No response by due date
Planning Department	No response by due date.
Department of Public Works	"The County of Kaua'i declines to acknowledge ownership of the subject parcels." See EXHIBIT C.
State of Hawaii:	
DOT – Highways	No response by due date.
DLNR – Historic Preservation	No response by due date.
Other Agencies:	
Office of Hawaiian Affairs	No response by due date.

RECOMMENDATION:

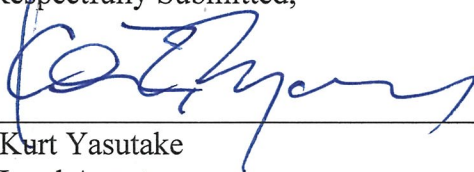
That the Board:

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 characteristic 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, Hawaii Administrative Rules, 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

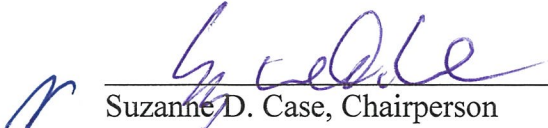
ownership of the abutting parcels described as Lot 69-A, and identified by Tax Map Key: (4) 1-9-010:011 and Lot 69-B, Tax Map Key: (4) 1-9-010:053, provided the succeeding owner has not had a lease, permit, easement or other disposition of State lands terminated within the last five (5) years due to non-compliance with such terms and conditions.

4. That the Board, subject to applicants fulfilling all of the Applicant requirements listed above authorize the quitclaim of interests, if any, the State may have in the subject roadway remnant parcel to the parties as follows: (i) Parcel 11-R to Nancy Y. Kurokawa and Grace M. Hall, Co-Trustees of the Conrad I. Nonaka Revocable Living Trust, dated October 31, 1991, and (ii) Parcel 53-R to Russell H. Nonaka, Trustee of the Russell H. Nonaka Trust, and Christine M. Nonaka, Trustee of the Christine M. Nonaka Trust, the whole of Parcel 53-R being held as tenants in common as to a 50% undivided interest each, 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 quitclaim deed (roads) 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,


Kurt Yasutake
Land Agent

APPROVED FOR SUBMITTAL:


Suzanne D. Case, Chairperson

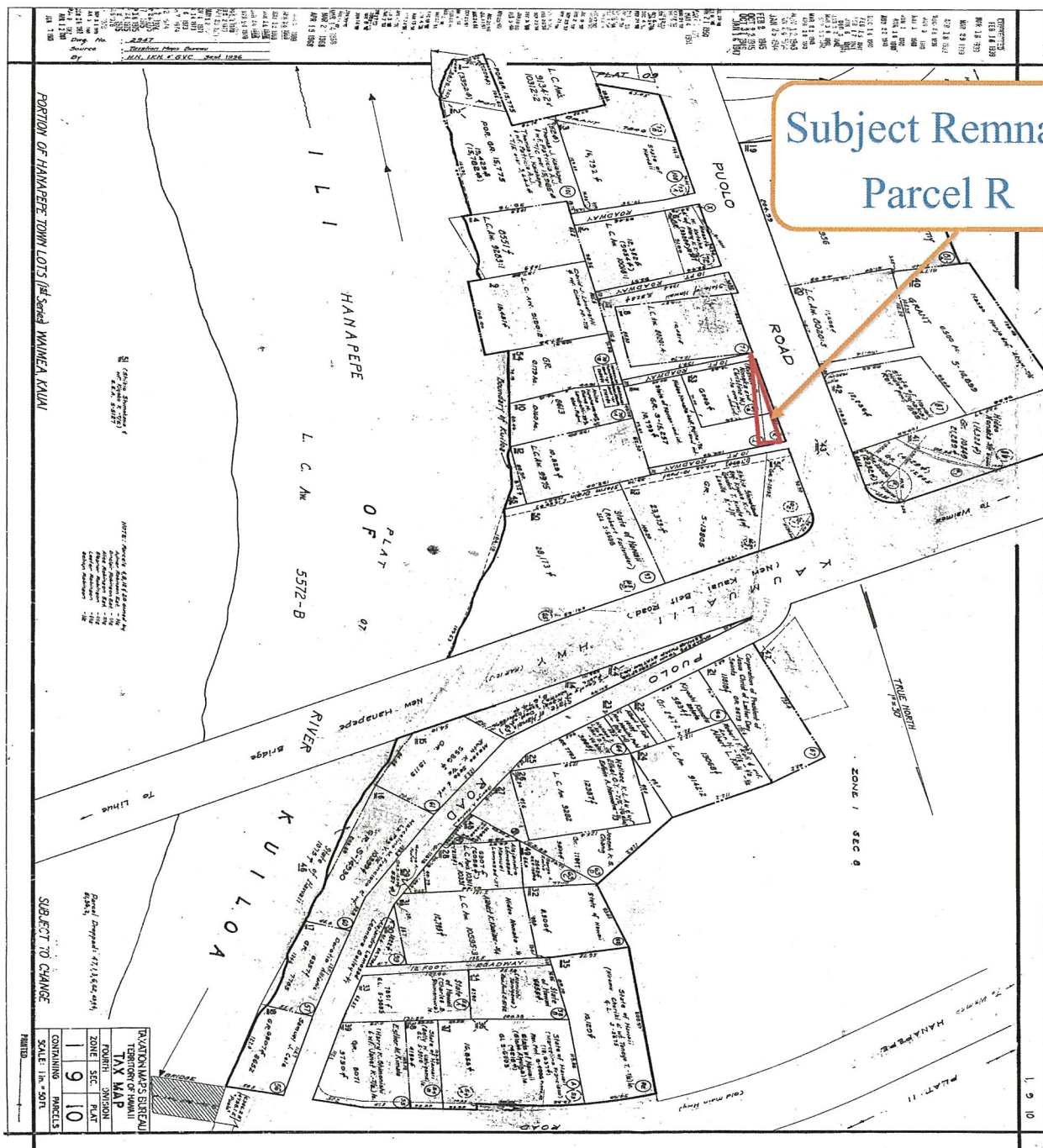


EXHIBIT A

PUOLO ROAD

True North
Scale: 1 in. = 50 ft.

Shiko Shimokawa & Kyoko

Parcel R



TMK: (4) 1-9-010:011, 0002



TMK: (4) 1-9-010:053, 0002

State of Hawaii
Flow

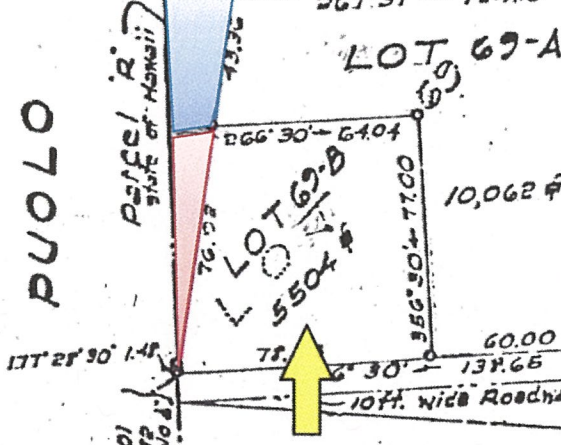
10 ft. Wide Drainage R/W

10 ft. Wide Roadway
267.37' → 184.10'

LOT 69-A

L.C. No. 9975
to Poopuu
Robinson Estate

Conrad I. Nonaka
Trust
TMK: (4) 1-9-010:011



Russell H. Nonaka Trust & Christine M. Nonaka Trust
TMK: (4) 1-9-010:053

Katsuyoshi Kurokawa

Note:
O designates galv. pipes.

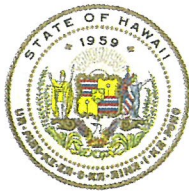
R. A. [Name]
Registered Professional Surveyor
Certificate No. 216-ES
Lihue, Hawaii
July 5, 1983
Calc. BK. 65:



SUBDIVISION OF
LOT 69
HANAPEPE TOWN LOTS
FIRST SERIES
INTO
LOTS 69-A AND 69-B.
HANAPEPE (KOKA) KAUAI, HAWAII
Scale: 1 inch = 50 feet.

Tax Map Key: 1-9-10:11.

EXHIBIT A



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

June 28, 2019

EXEMPTION NOTIFICATION

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

Project Title:	Quitclaim of State's Interests, if Any, in Remnant Parcel (Parcel R) to Nancy Y. Kurokawa and Grace M. Hall, Co-Trustees of the Conrad I. Nonaka Revocable Living Trust, dated October 31, 1991, Russell H. Nonaka, Trustee of the Russell H. Nonaka Trust, and Christine M. Nonaka, Trustee of the Christine M. Nonaka Trust.
Project / Reference No.:	18KD-002 and 18KD-003
Project Location:	Hanapepe Waimea, Kauai, Tax Map Key: (4) 1-9-010:011 (por.) and (4) 1-9-010:053 (por).
Project Description:	The applicants are requesting that the State quitclaim its interests in remnant State parcel (Parcel R) to them, so that they can have legal access to Puolo Road.
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 and dated June 5, 2015, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 1, Item 44 that states "Transfer of title to land".
Cumulative Impact of Planned Successive Actions in Same Place Significant?:	No. Staff believes there are no cumulative impacts involved with the State quitclaiming its interests in the remnant.
Action May Have Significant	No. There are no sensitive environmental issues involved with

EXHIBIT B

Impact on Particularly Sensitive Environment?:

the State quitclaiming its interests in the remnant.

Analysis:

The proposed action is the transfer of the State's interest, if any, in a remnant to private owners. The quitclaim conveyance of the remnant to the owners will not result in any change to the land, and once it is so conveyed it will no longer be State land. 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:

Department of Water, Planning Department, Department of Public Works, Department of Transportation – Highways Division, Department of Land and Natural Resources – Historic Preservation.

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.



ENGINEERING DIVISION
DEPARTMENT OF PUBLIC WORKS
THE COUNTY OF KAUAI

DEREK S. K. KAWAKAMI, MAYOR
MICHAEL A. DAHLIG, MANAGING DIRECTOR

LYLE M. TABATA
DEPUTY COUNTY ENGINEER

May 14, 2019

State of Hawaii
Department of Land and Natural Resources – Land Division
3060 Eiwa Street, Room 208
Līhu'e, HI 96766

Attention: Mr. Kurt Yasutake

Ref. No.: PSF# 18KD-002
18KD-003

SUBJECT: SALE OF REMNANT PARCEL (PARCEL R)
ABUTTING TMK: (4) 1-9-010: 011 AND (4) 1-9-010: 053
HANAPEPE, WAIMEA, KAUAI **PW 04.19.065**

Dear Mr. Yasutake,

This is in response to your letter dated April 15, 2019.

The County of Kauai declines to acknowledge ownership of the subject parcels.

If you have any question or need addition information, contact Stanford Iwamoto at (808) 241-4896 or siwamoto@kauai.gov.

Sincerely,

Lyle Tabata
Deputy County Engineer

MM/SI

cc: Design and Permitting

Attachment

DLNR KDLO RCL

MAY 22 '19
PM 2:47:51

EXHIBIT C

