

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

August 9, 2019

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

Ref. No.: 19KD-060
RPS-7516
Kauai

Grant of Term, Non-Exclusive Easement to George M. Mori for Access Purposes and Cancellation of Revocable Permit S-7516, Hanapepe, Waimea, Kauai, Tax Map Key: (4) 1-8-007: Por. 015.

APPLICANT:

George M. Mori, a married man, Tenant in Severalty.

LEGAL REFERENCE:

Section 171-13, Hawaii Revised Statutes (HRS), as amended.

LOCATION:

Portion of Government land at Hanapepe, Waimea, Kauai, identified by Tax Map Key: (4) 1-8-007: Por. 015, as shown on the attached map labeled Exhibit A.

AREA:

1,125 square feet, more or less.

ZONING:

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

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:

Encumbered by Revocable Permit No. S-7516, George Mori, Permittee, for driveway access purposes.

Encumbered by Governor's Executive Order 2320, dated June 14, 1967, set aside to Kauai County for a storm drainage easement (0.005 Ac or 198 Sq. Ft.).

CHARACTER OF USE:

Right, privilege and authority to construct, use, maintain and repair a right-of-way over, under and across State-owned land for access purposes.

TERM:

Thirty-five (35) years.

COMMENCEMENT DATE:

To be determined by the Chairperson.

CONSIDERATION:

One-time payment to be determined by independent or staff appraisal establishing fair market rent, subject to review and approval by the Chairperson.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

See attached Exhibit B.

DCCA VERIFICATION:

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

APPLICANT REQUIREMENTS:

Applicant shall be required to:

- 1) Pay for an appraisal to determine one-time payment;
- 2) Provide survey maps and descriptions according to State DAGS standards and at Applicant's own cost; and
- 3) Obtain a title report to ascertain ownership, where necessary, at Applicant's own

cost and subject to review and approval by the Department.

REMARKS:

The applicant, George M. Mori, is the owner of residential property at Hanapepe Road, identified as TMK (4) 1-8-007:002. The lot contains two (2) dwellings and is separated from Hanapepe Road by a concrete-lined drainage ditch. Adjacent to the Mori property with frontage on Moi Road is vacant State lot TMK (4) 1-8-007:015. Mr. Mori has been using this unpaved driveway since 1993 under RP S-6849 and now currently under RP S-7516. Having a second driveway improves access to the Mori's second dwelling. The driveway would remain unpaved and maintenance of the driveway shall be at the sole responsibility of the applicant.

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.

The following State and County of Kauai (COK) agencies were consulted on this action with the results indicated:

Agency:	Comment:
Historic Preservation	No response by suspense date
Office of Hawaiian Affairs	No response by suspense date
COK Planning Department	No response by suspense date
COK Department of Public Works	No response by suspense date

RECOMMENDATION: That the Board:

1. 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.
2. Authorize the subject request to be applicable in the event of a change in the ownership of the abutting parcel described as Tax Map Key (4) 1-8-007:002, 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.
3. Subject to the Applicant fulfilling all of the Applicant requirements listed above, authorize the issuance of a term non-exclusive easement to George M. Mori, covering the subject area for driveway access purposes under the terms and

conditions cited above, which are by this reference incorporated herein and further subject to the following:

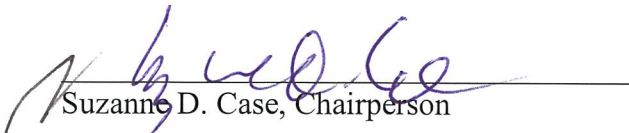
- A. The standard terms and conditions of the most current term easement document form, as may be amended from time to time;
- B. The easement shall run with the land and shall inure to the benefit of the real property described as Tax Map Key: (4) 1-8-007:002, provided however: (1) it is specifically understood and agreed that the easement shall immediately cease to run with the land upon the expiration or other termination or abandonment of the easement; and (2) if and when the easement is sold, assigned, conveyed, or otherwise transferred, the Grantee shall notify the Grantor of such transaction in writing, and shall notify Grantee's successors or assigns of the insurance requirement in writing, separate and apart from the easement document;
- C. Review and approval by the Department of the Attorney General; and
- D. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,



wfn Alison Neustein
Land Agent

APPROVED FOR SUBMITTAL:

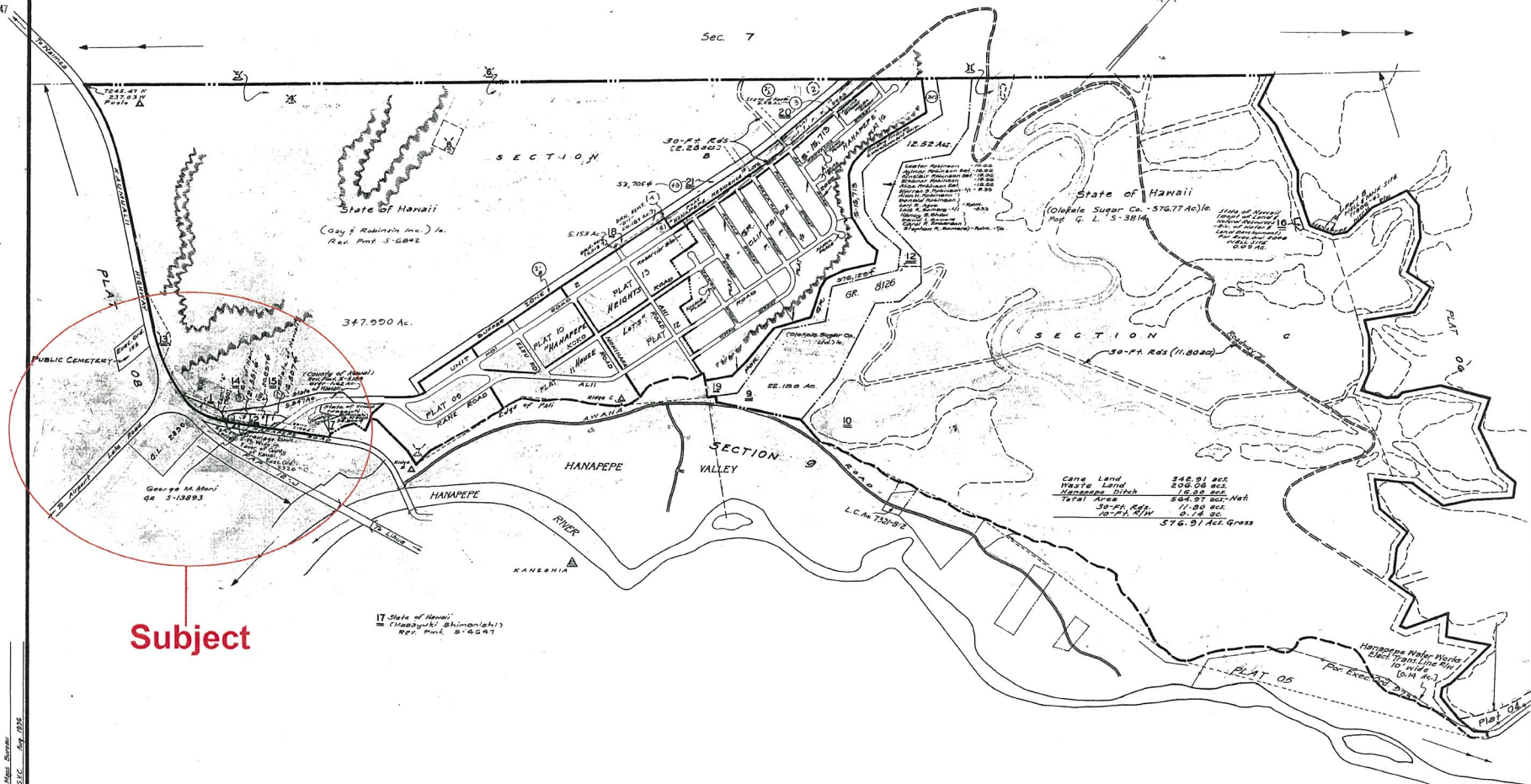


Suzanne D. Case, Chairperson

CORRECTED
 AUG 31 1939
 JUN 29 1941
 JUN 17 1942
 APR 15 1943
 JUN 9 1944
 JAN 12 1945
 OCT 31 1946
 APR 5 1947
 JUN 3 1951
 MAR 3 1959
 FEB 2 1971
 DEC 3 1971
 JUL 15 1974
 MAR 2 1975
 MAR 12 1975

M A K A W A E L I

Sec. 7



Subject

EXHIBIT A

POR. OF HANAPEPE, WAIMEA, KAUAI

Parcels Dropped: 4,5,6,11,13,d.

SUBJECT TO CHANGE

TAXATION MAPS BUREAU		
TERRITORY OF HAWAII		
TAX MAP		
FOURTH DIVISION		
ZONE	SEC.	PLAT
1	8	07
CONTAINING		PARCELS
SCALE: 1 in. = 500 Ft.		
PRINTED		

Orig. No. 1-2883
 Source: Taxation Maps Bureau
 Date: 1/15/75
 By: J. L. C. B. C. May 1975



TMK (4) 1-8-007:Por. 015

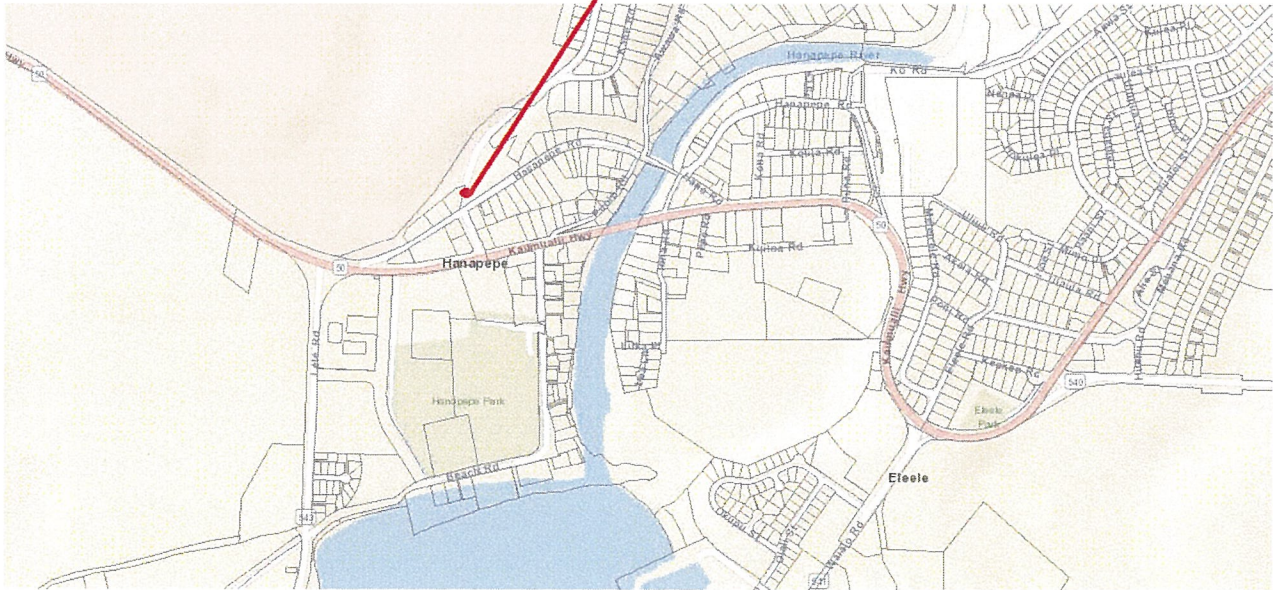
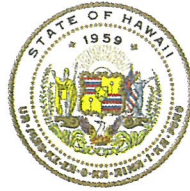


Exhibit A



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

3060 Eiwa Street, Room 208
Lihue, Hawaii 96766
PHONE: (808) 274-3491
FAX: (808) 241-3535

August 9, 2019

EXEMPTION NOTIFICATION

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

Project Title: Grant of Term, Non-Exclusive Easement to George M. Mori for Access Purposes and Cancellation of Revocable Permit S-7516, Hanapepe, Waimea, Kauai, Tax Map Key: (4) 1-8-007: Por. 015.

Project / Reference No.: PSF No.: 19KD-060
RPS-7516

Project Location: Portion of Government land at Hanapepe, Waimea, Kauai, identified by Tax Map Key: (4) 1-8-007: Por. 015.

Project Description: Grant of Term, Non-Exclusive Easement to George M. Mori for Access Purposes

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

Exemption Class No. and Item No.: In accordance with Sections 11-200-8(a)(1) & (4) of the Hawaii Administrative Rules 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, 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 Class No. 4, that states "Minor

alteration in the conditions of land, water, or vegetation," and Class No. 46, "Creation or termination of easement, covenants, or other rights in structures or land."

Cumulative Impact of Planned Successive Actions in Same Place Significant?

No, the request is a single occurrence in the area.

Action May Have Significant Impact on Particularly Sensitive Environment?

No, the action proposed will have no significant impact to any particularly sensitive environment.

Analysis:

The applicant, George M. Mori, is the owner of residential property at Hanapepe Road, identified as TMK (4) 1-8-007:002. The lot contains two (2) dwellings and is separated from Hanapepe Road by a concrete-lined drainage ditch. Adjacent to the Mori property with frontage on Moi Road is vacant State lot TMK (4) 1-8-007:015. Mr. Mori has been using this unpaved driveway since 1993 under RP S-6849 and now currently under RP S-7516. Having a second driveway improves access to the Mori's second dwelling. The driveway would remain unpaved and maintenance of the driveway shall be at the sole responsibility of the applicant.

Consulted Parties:

Comments from The State Historic Preservation Division, Office of Hawaiian Affairs, COK Public Works and COK Planning were solicited. No agency had any objection to the proposed exemption.

Recommendation:

It is anticipated this activity will probably have minimal or no significant effect on the environment. As a result, it will involve minimal or no significant effect on the environment and is presumed to be exempt from the preparation of an environmental assessment.