Quitclaim of State’s Interests, if Any, in a Portion of Government Land to the Department of Hawaiian Home Lands, Palaua and Hoolehua, Kona, Molokai, Tax Map Key: (2) 5-2-004:046.

APPLICANT:

Department of Hawaiian Home Lands (DHHL).

LEGAL REFERENCE:

Sections 171-6 and -95, Hawaii Revised Statutes (HRS), as amended.

LOCATION:

Portion of Government lands of Palaua and Hoolehua, Kona, Molokai, identified by Tax Map Key: (2) 5-2-004:046, as shown on the attached maps labeled Exhibits A-1 and A-2.

AREA:

42.313 acres, more or less

ZONING:

State Land Use District: Agriculture
County of Maui CZO: AG Agriculture

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act
DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: Not applicable.

CURRENT USE STATUS:

Vacant and unencumbered.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with HAR § 11-200.1-15 and the Exemption List for the Department of Land and Natural Resources reviewed and concurred on by the Environmental Council on November 10, 2020, 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 37 that states, “Transfer of title to land.” (Exhibit B)

APPLICANT REQUIREMENT:

Applicant shall be required to:

1) Provide survey maps and descriptions according to State DAGS standards and at Applicant’s own cost, if necessary.

REMARKS:

The subject parcel was placed under the management of the Hawaiian Homes Commission (HHC) with the passage of the HHC Act of 1920. At the time, this parcel was not developed for homes or otherwise utilized by the HHC.

The subject parcel was returned to the control of the Commissioner of Public Lands of the Territory of Hawaii in 1938 under Hawaiian Homes Commission Resolution No. 61 to be used as an addition to the Molokai Airport. Despite its intended use, the parcel was never developed as part of the airport or otherwise and has remained unencumbered.

On May 21, 1962, the Department and DHHL conducted a land exchange involving lands abutting the subject parcel and lands in Waianae, Oahu. A small portion of the subject parcel was included in this exchange reducing the total acreage from 42.561 to 42.313 acres. (Exhibit C)

By letter dated March 17, 2020, the HHC requested that the parcel be returned to DHHL for inclusion in their planned Naiwa Homestead leases. Staff recommends that the Board authorize a quitclaim of the State’s interests, if any, in the subject parcel to DHHL as the
Department has been acting as a caretaker of the parcel pending potential expansion of the airport but has no further interest in the parcel.

Staff circulated a draft of this submittal to the state, and County of Maui (COM) agencies listed in the table below with the results indicated:

<table>
<thead>
<tr>
<th>Agency</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Department of Hawaiian Home Lands</td>
<td>No Comments</td>
</tr>
<tr>
<td>DLNR-Division of Forestry and Wildlife</td>
<td>No Opposition / No Comments</td>
</tr>
<tr>
<td>DLNR-State Historic Preservation Division</td>
<td>No Response</td>
</tr>
<tr>
<td>Department of Transportation – Airports Division</td>
<td>No Response</td>
</tr>
<tr>
<td>Office of Hawaiian Affairs</td>
<td>No Response</td>
</tr>
<tr>
<td>COM-Planning Department</td>
<td>No Response</td>
</tr>
<tr>
<td>COM-Department of Public Works</td>
<td>No Comments</td>
</tr>
</tbody>
</table>

RECOMMENDATION: That the Board:

1. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Chapter 11-200.1, 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 quitclaim the interests, if any, of the State may have in the subject parcel to the Department of Hawaiian Home Lands, subject to DHHL fulfilling the Applicant Requirement listed above, if applicable, and further subject to 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 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,

Luke Sarvis
Luke J. Sarvis
Project Development Specialist

APPROVED FOR SUBMITTAL:

Suzanne D. Case, Chairperson
EXHIBIT A-1
TMK: (2) 5-2-004:046

EXHIBIT A-2
EXEMPTION NOTIFICATION

Regarding the preparation of an environmental assessment pursuant to Chapter 343, HRS and Chapter 11-200.1, HAR

Project Title: Quitclaim of State’s Interests, if Any, in a portion of Government Land to the Department of Hawaiian Home Lands, Palaua and Hoolehua, Kona, Molokai, Tax Map Key: (2) 5-2-004:046.

Project / Reference No.: 20MD-090

Project Location: Portion of Government lands of Palaua and Hoolehua, Kona, Molokai, Tax Map Key: (2) 5-2-004:046 as shown on the attached map. (Exhibit A).

Project Description: Authorize the quitclaim of the Department of Land and Natural Resources interests, if any, to the Department of Hawaiian Home Lands.

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

Exemption Class No.: In accordance with the Exemption List for the Department of Land and Natural Resources, approved by the Environmental Council on November 10, 2020, the subject request for issuance for right-of-entry is exempt from the preparation of an environmental assessment pursuant to Exemption Class 1, “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 37 that states, “Transfer of title to land.”

The subject parcel is unencumbered land transferred to the Commissioner of Public Lands of the Territory of Hawaii under Hawaiian Homes Commission (HHC) Resolution No. 61 in 1938 for the expansion of Molokai Airport. The lands were never developed for the airport or any other purpose and have remained under the control of the Department since their transfer. At this time, DHHL wishes to include this parcel in its Naiwa Homestead leases.

Cumulative Impact of Planned Successive Actions in Same Place Significant? No, the Department is divesting of any interest in the parcel.

EXHIBIT B
Action May Have Significant Impact on Particularly Sensitive Environment?

Analysis: This request would return land granted to HHC in 1920 to DHHL for homestead purposes.

Consulted Parties Agencies listed in submittal.

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.
EXHIBIT C

Portion of Subject Parcel Involved in Land Exchange