

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

November 12, 2021

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

PSF No.: 20MD-090

Maui

Amend Prior Board Action of January 8, 2021, Item D-8, *Quitclaim of State's Interests, if Any, in a Portion of Government Land to the Department of Hawaiian Home Lands, Palaau and Hoolehua, Kona, Molokai, Tax Map Key: (2) 5-2-004:046.*

The purpose of this amendment is to correct the acreage of subject parcel from 42.313 acres to 41.984 acres.

BACKGROUND:

At its meeting of January 8, 2021, Item D-8, the Board of Land and Natural Resources (Board) quitclaimed the State's interests in a portion of government land to the Department of Hawaiian Home Lands (DHHL) situate at Palaau and Hoolehua, Kona, Molokai, Tax Map Key (2) 5-2-004:046. (Exhibit 1)

REMARKS:

In the course of preparing survey maps and descriptions of the subject parcel, Department of Accounting and General Services Land Survey (Survey) staff discovered a discrepancy between the acreage listed on State and County public records and Survey staff calculations of current acreage. Staff worked extensively with Survey staff to determine the cause but were unable to find records explaining the difference in acreage. In 1962, the State and DHHL undertook a land exchange involving lands in Waianae and lands on Molokai. This exchange is referenced in staff's January 8, 2021 submittal as it shaved off a small corner of the subject parcel (see Exhibit 1; Exhibit C). Staff feels that an error may have occurred when the acreage was calculated for this land exchange, but adequate records of the exchange do not remain to verify this suspicion.

As a result, staff is recommending the prior Board action of January 8, 2021, Item D-8 be amended to correct the acreage of the subject parcel from 42.313 acres to 41.984 acres. An updated survey map showing the corrected acreage of the subject parcel is attached as Exhibit 2.

RECOMMENDATION: That the Board:

1. Amend its prior Board action of January 8, 2021, under agenda item D-8, by correcting the acreage of the subject parcel from 42.313 acres to 41.984 acres.
2. Except as amended hereby, all terms and conditions as approved on January 8, 2021 shall remain the same.

Respectfully Submitted,

Luke Sarvis

Luke J. Sarvis
Project Development Specialist

APPROVED FOR SUBMITTAL:

Suzanne D. Case

RT

Suzanne D. Case, Chairperson

EXHIBIT 1

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

January 8, 2021

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

PSF No.: 20MD-090

Maui

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

APPROVED BY THE BOARD OF
LAND AND NATURAL RESOURCES
AT ITS MEETING HELD ON
January 8, 2021 *co.*

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:

Agency	Comment
Department of Hawaiian Home Lands	No Comments
DLNR-Division of Forestry and Wildlife	No Opposition / No Comments
DLNR-State Historic Preservation Division	No Response
Department of Transportation – Airports Division	No Response
Office of Hawaiian Affairs	No Response
COM-Planning Department	No Response
COM-Department of Public Works	No Comments

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

RT

Suzanne D. Case, Chairperson

BLNR – Quitclaim of interest in subject parcel
To DHHL

January 8, 2021

EXHIBIT A-1
TMK: (2) 5-2-004:046

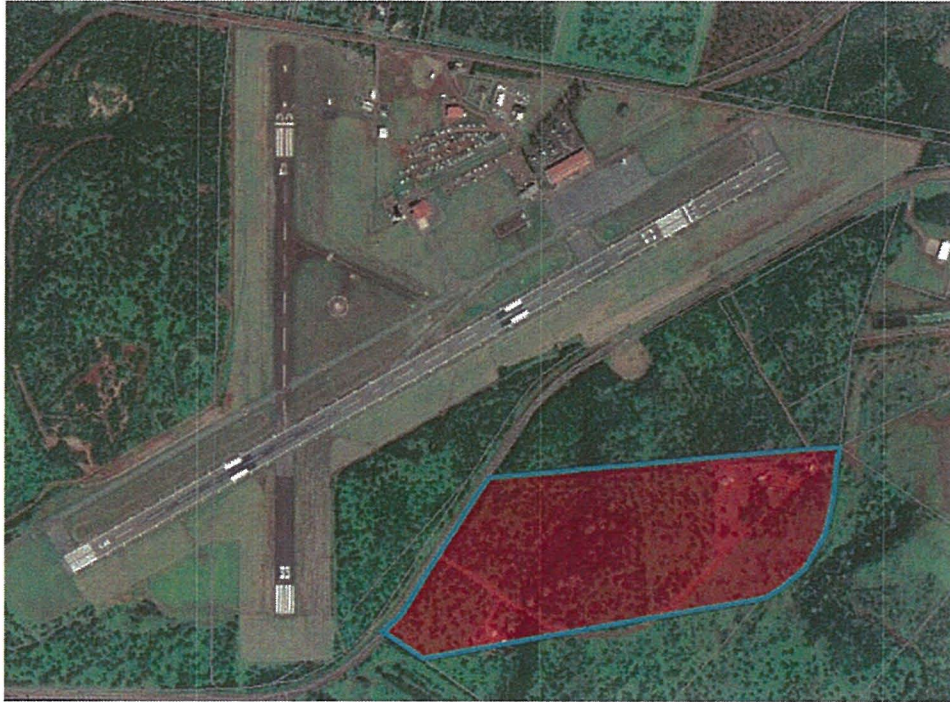


EXHIBIT A-2



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

BLNR – Quitclaim of interest in subject parcel
To DHHL

January 8, 2021

Action May Have
Significant Impact on
Particularly Sensitive
Environment?

No.

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.

January 8, 2021

Portion of Subject Parcel Involved in Land Exchange

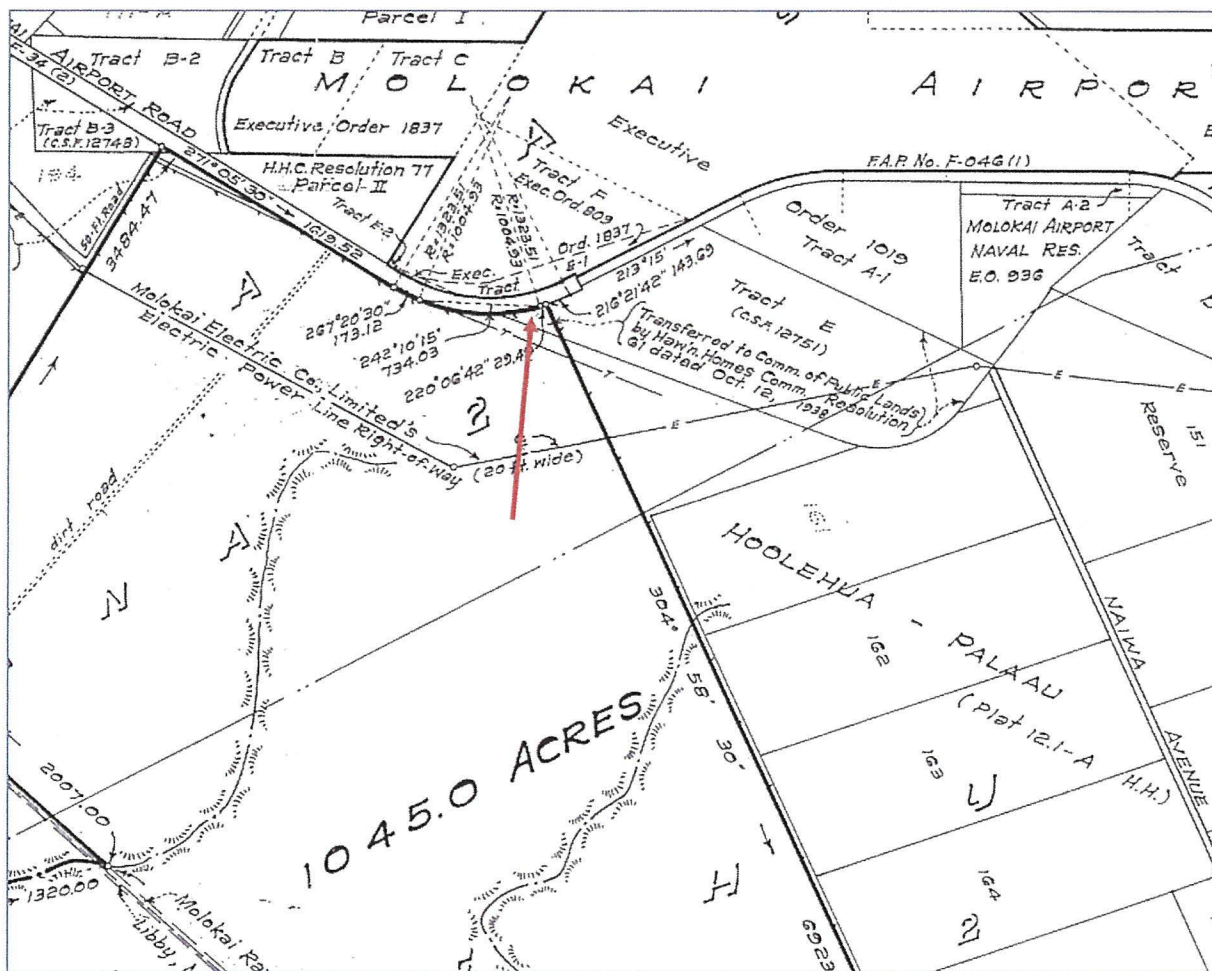
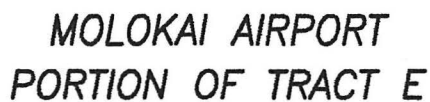


EXHIBIT 2

TRUE NORTH
SCALE: 1 in. = 500 ft.



RDM October 13, 2021