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**STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS**

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October 27, 2022

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

Oahu

Authorize the Deregistration from Land Court of East Kapolei, Certificate of Title No. 908,339, Lots 19890, 19891, 19892, 19893, and 19895, Map 1667, Land Court Application No. 1069

APPLICANT:

Department of Hawaiian Home Lands (DHHL)

LEGAL AUTHORITY:

Sections 171-6, 501-261.5, Hawaii Revised Statutes

LOCATION:

Lots 19890, 19891, 19892, 19893, and 19895, Map 1667, Land Court Application No. 1069 (LCA 1069), situate at Honouliuli, Ewa, Oahu, identified by Tax Map Key: (1) 9-1-017: 156, 157, 158, 159, and 161.

BACKGROUND:

In 1936, Trustees under the Will and the Estate of James Campbell, deceased, registered portions of the Ahupuaa of Honouliuli, Ewa, Oahu in Land Court, pursuant to Land Court Application No. 1069.

The subject parcels are portions of the 1,100 acres, located on the Ewa Plain, acquired by the State from the Campbell Estate by Final Order of Condemnation, dated August 22, 1994.

At its September 24, 2004 meeting (Agenda Item D-14) the Board authorized the conveyance of approximately 318 acres of State-owned Land to DHHL.

On March 18, 2005, DLNR, Division of Forestry and Wildlife (DOFAW), issued Incidental Take License No. ITL-05 to the Department of Transportation (DOT). On

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February 16, 2006, DOT, DLNR, and DHHL executed a Memorandum of Agreement providing for DHHL's participation in the Habitat Conservation Plan for *Abutilon menziesii* at Kapolei. A Certificate of Inclusion was issued to DHHL on January 26, 2006. ITL-05 expired on July 31, 2021.

DLNR and DHHL executed a Memorandum of Agreement on December 31, 2007 providing for the construction of the Kapolei Parkway Extension and East-West Road by DHHL, and subsequent conveyance of the roadway lots from DLNR to the City and County of Honolulu.

Lots 19890, 19891, 19893, and a portion of 19895 have been conveyed to DHHL by Quitclaim Deeds dated February 5, 2009 and June 5, 2014; a total of 237.648 acres. The "future roads E and S", now known as Maunakapu Street and Kulanihako Street, respectively were excluded from Lot 19895. Lot 19892 has not been conveyed to DHHL.

At its January 27, 2012 meeting (Agenda Item D-14) the Board approved (1) MOA dated December 31, 2007 regarding Kapolei Parkway Extension and East-West Road; (2) proposed MOA regarding "future roads E and S"; and (3) conveyance to the City and County of Honolulu, of the State-owned lands underlying the Kapolei Parkway Extension, East-West Road, Road E, and Road S.

DLNR and DHHL executed a Memorandum of Agreement on May 1, 2012 providing for the construction of Road E and Road S by DHHL, and subsequent conveyance of the roadway lots from DLNR to the City and County of Honolulu.

At its February 12, 2016 meeting (Agenda Item D-14) the Board approved amending BLNR action of January 27, 2012 (Agenda Item D-14): (1) amend tax map key references; (2) amend Recommendation 3 to an approval of and recommendation to the Governor the issuance of an executive order setting aside the subject lands to the City and County of Honolulu. Accordingly, the two memoranda of agreement were amended on July 19, 2016.¹

CHAPTER 343 – ENVIRONMENTAL ASSESSMENT:

The Final Environmental Impact Statement Notice for the East Kapolei Master Plan was published in the OEQC Environmental Notice in July 1998. All the subject lots are located within the East Kapolei Master Plan area.

REMARKS:

The subject lots were registered in Land Court by the Estate of James Campbell. The State of Hawaii acquired the fee interest from the successor landowner by order of

¹ The Kapolei Parkway Extension was set aside to the City by Governor's Executive Order No. (EO) 4510 dated October 17, 2016, and East-West Road was set aside to the City by EO 4555 dated April 24, 2018. Both of these roads were on Land Court lands at the time of set-aside (Lot 17254 shown on Map 1459 and Lot and Lot 19888 shown on Map 1667, respectively, Land Court Application 1069). DHHL is not recommending deregistration of the lands for these set-asides since their disposition to the City is already complete.

condemnation in 1994. For purposes of HRS § 501-261.5, the State is a self-insured sovereign. There is no obvious downside to deregistering the subject lots from Land Court.

The principle benefit of land registered with the Land Court versus the regular system is that a landowner cannot lose title via adverse possession. The State, however, by virtue of its sovereign character, already cannot lose title to land via adverse possession, irrespective of whether the land is registered in Land Court.

The downside to keeping the subject lots in Land Court is the lengthy backlog at Land Court that frequently causes delays; the need to obtain additional surveys and documents that would not be required in the regular system; and the need to navigate Land Court procedures.

The Quitclaim Deeds have not been recorded because portions of the portions of Lot 19895 are not lots of record at Land Court. Exhibit A overlays the parcels described in the conveyance documents on an extract from Map 1667, LCA 1069.

Lot 19892 contains the Abutilon Conservation Reserve Area. DHHL has not requested conveyance anticipating relocation of the endangered plants in accordance with the Habitat Conservation Plan for Abutilon menziesii at Kapolei. DHHL and other East Kapolei Land owners have been consulting with DOFAW to draft a new habitat conservation plan and incidental take license.

In order to accelerate the process for the recordation of the quitclaim deeds, issuance of leases, development agreements, easements, permits, and other processes, DHHL requests that the Board authorize the deregistration of Certificate of Title No. 908,339, Lots 19890, 19891, 19892, 19893, and 19895, Map 1667, Land Court Application 1069 from Land Court.

RECOMMENDATION: That the Board:

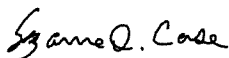
Authorize the deregistration of Certificate of Title No. 908,339, Lots 19890, 19891, 19892, 19893, and 19895, Map 1667, Land Court Application No. 1069, from Land Court pursuant to applicable law and regulations.

Respectfully Submitted,



William J. Aila Jr., Chairman
Hawaiian Homes Commission

APPROVED FOR SUBMITTAL:



SUZANNE D. CASE, Chairperson

