

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

June 13, 2025

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

PSF No.: 25OD-038

OAHU

Sale of Remnant to Kekoa Wiliama Kaluhiwa and Cheryl Lee Yoshiko Kaluhiwa, Trustees of the Kekoa Wiliama Kaluhiwa and Cheryl Lee Yoshiko Kaluhiwa Revocable Trust under that certain unrecorded Trust Agreement dated April 30, 2010, Kaneohe, Koolaupoko, Oahu, Tax Map Key: (1) 4-5-044: portion of 042.

APPLICANT:

Kekoa Wiliama Kaluhiwa and Cheryl Lee Yoshiko Kaluhiwa, Trustees of the Kekoa Wiliama Kaluhiwa and Cheryl Lee Yoshiko Kaluhiwa Revocable Trust under that certain unrecorded Trust Agreement dated April 30, 2010.

LEGAL REFERENCE:

Section 171-52, Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government lands situated at Kaneohe, Koolaupoko, Oahu, identified by Tax Map Key: (1) 4-5-044: portion of 042, shown on **Exhibit A1 to A3**.

AREA:

1,402 square feet, more or less, subject to review and approval by the Department of Accounting and General Services, Survey Division.

ZONING:

State Land Use District: Urban
City and County of Honolulu LUO: R-10

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:

Vacant and unencumbered.

CONSIDERATION:

One-time lump sum payment of fair market value to be determined by an independent appraiser subject to review and approval by the Chairperson.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with Hawaii Administrative Rules ("HAR") § 11-200.1-15 and -16 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 General Exemption Type 1, Part 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," under Part 1, item 37, which states, "transfer of title to land". The subject request will probably have minimal or no significant effect on the environmental and should be declared exempt from the preparation of an environmental assessment. **(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. Provide survey maps and descriptions for both remnants according to DAGS standards and at the Applicant's own cost; and
2. Pay for an appraisal to determine the one-time payment of fair market value for the subject remnant.

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 reasons:

The ditch was part of an irrigation system in Waikalua, Kaneohe. Waikalua consisted of lands once owned by the Territory of Hawaii that were conveyed by land patent grants reserving fee title to the ditch systems on the land to the government. The lands sold under said grants were then subdivided into lots along with their respective ditch segments. Over time, the ditch system was abandoned and the fee interest remained with the State.

Applicant is the owner of Tax Map Key: (1) 4-5-044:028 that contains a section of the subject ditch that runs through the property. The ditch area is limiting the development options on the property, including expanding the house to care for aging family members and to build a carport. Therefore, the Applicant requests to purchase the remnant ditch area.

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.

Board of Water Supply does not have any comment or objection on the subject request. Department of Planning and Permitting, Department of Facility Maintenance, Office of Hawaiian Affairs, Commission on Water Resource Management, Division of Aquatic Resources, Division of Forestry and Wildlife, State Historic Preservation Division have not responded to the request for comment on the subject request before the deadline.

There are no other pertinent issues or concerns. Staff recommends the Board authorize the request as described in the Recommendation section.

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 characteristics and, therefore, by definition is a remnant pursuant to Chapter 171, HRS.
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: (1) 4-5-044:028, 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. 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.
4. Authorize the subdivision and consolidation of the subject remnant by the Applicant.
5. Subject to the Applicant fulfilling all of the Applicant Requirements listed above, authorize the sale of the subject remnant to Kekoa Wiliama Kaluhiwa and Cheryl Lee Yoshiko Kaluhiwa, Trustees of the Kekoa Wiliama Kaluhiwa and Cheryl Lee Yoshiko Kaluhiwa Revocable Trust under that certain unrecorded Trust Agreement dated April 30, 2010 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 deed or grant (remnant) 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,

Barry Cheung

Barry Cheung
District Land Agent

APPROVED FOR SUBMITTAL:

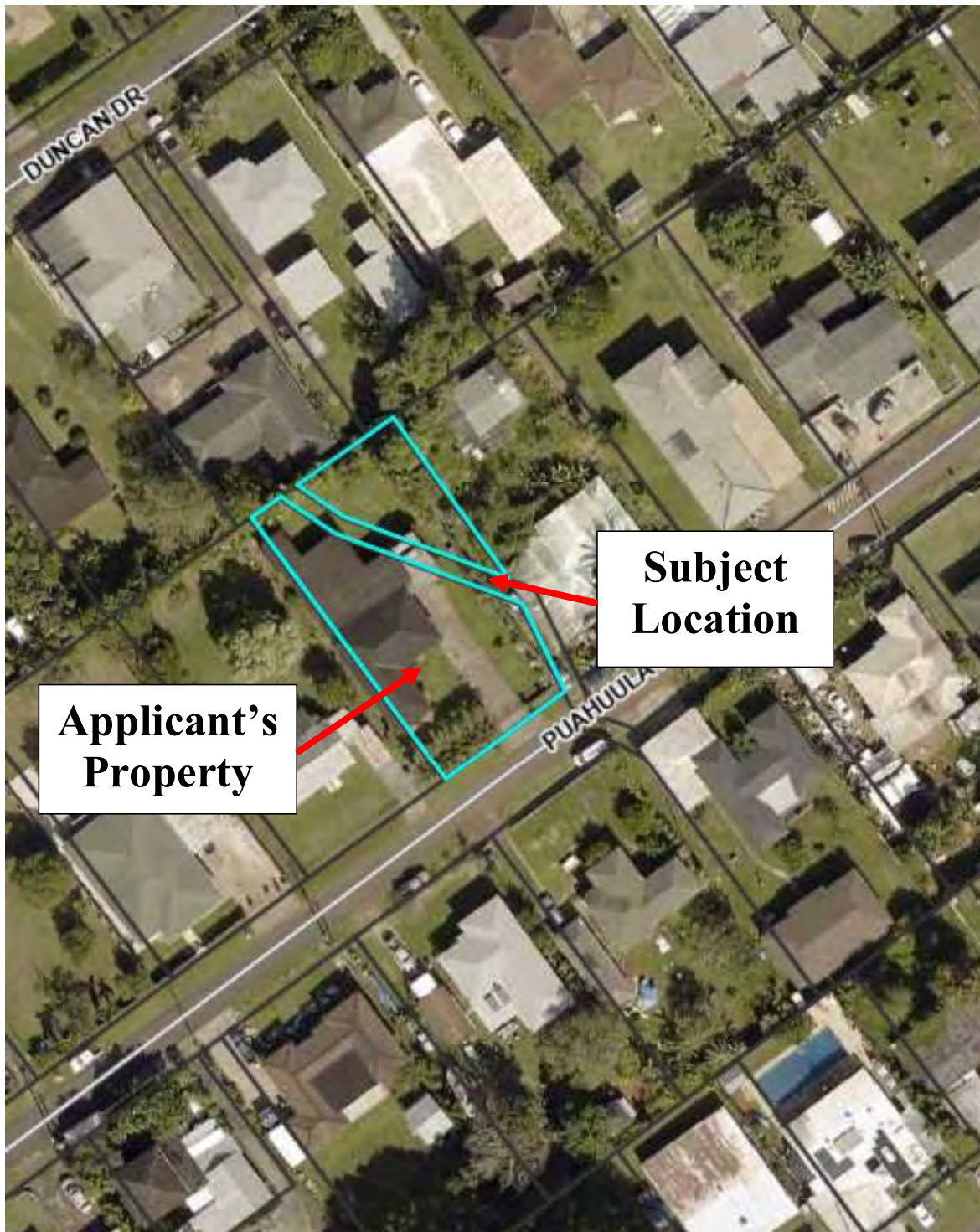


Dawn N. S. Chang, Chairperson 



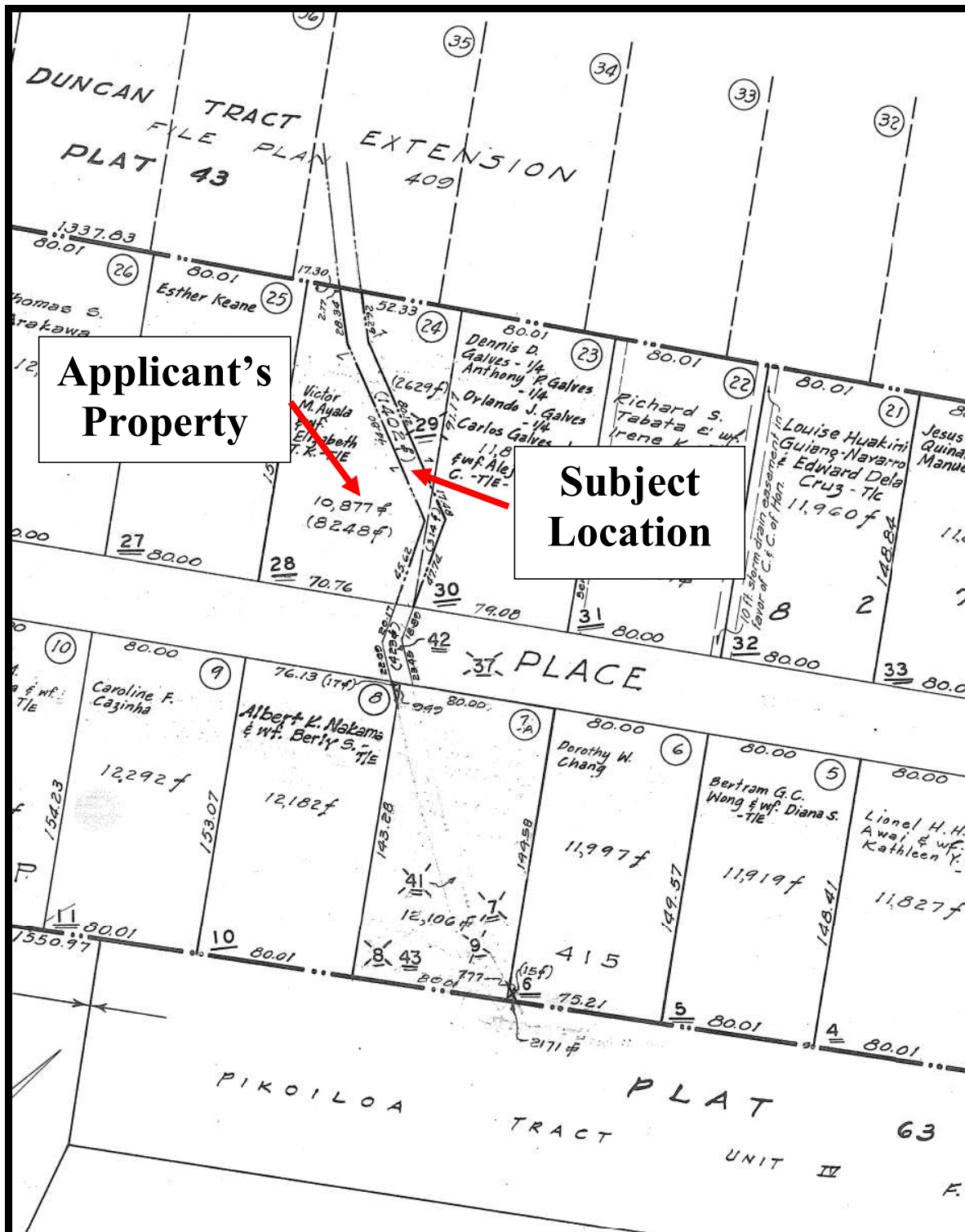
TMK (1) 4-5-044: portion of 042

EXHIBIT A1



TMK (1) 4-5-044: portion of 042

EXHIBIT A2



TMK (1) 4-5-044: portion of 042

EXHIBIT A3

EXEMPTION NOTIFICATION

Regarding the preparation of an environmental assessment pursuant to Chapter 343, HRS and Chapter 11-200.1-15, HAR

Project Title:	Sale of Remnant
Project / Reference No.:	PSF 25OD-038
Project Location:	Kaneohe, Koolaupoko, Oahu, abutting TMK: (1) 4-5-044: portion of 042.
Project Description:	Sale of remnant.
Chap. 343 Trigger(s):	Use of State Land
Exemption Class No.:	In accordance with Hawaii Administrative Rules ("HAR") § 11-200.1-15 and -16 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 General Exemption Type 1, Part 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," under Part 1, item 37, which states, "transfer of title to land".
Cumulative Impact of Planned Successive Actions in Same Place Significant:	No, the request would involve negligible or no expansion or change in use of the subject area beyond that previously existing.
Action May Have Significant Impact on Particularly Sensitive Environment:	Staff is not aware of any particularly sensitive environmental issues and use of the area would involve negligible change from what is existing.
Consulted Parties:	Agencies as noted in the submittal.
Analysis:	Staff believes there would be no impact to sensitive environmental or ecological receptors.
Recommendation:	That the Board find this project will probably have no significant effect on the environment and is presumed to be exempt from the preparation of an environmental assessment.

EXHIBIT B