

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

July 11, 2025

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

PSF No. 25MD-070

Maui

Quitclaim of State's Interests, if Any, in a Portion of  
Kenolio Road to the County of Maui, Kaonoulu, Kihei, Maui,  
Tax Map Key: (2) 3-9-048 (roadway).

APPLICANT:

County of Maui, whose business and mailing address is 200 South  
High Street, Wailuku, Hawaii, 96793.

LEGAL REFERENCE:

Sections 171-52, -95(a)(5) and 264-2, Hawaii Revised Statutes  
(HRS), and Act 288, SLH 1993 as amended.

LOCATION:

Portion of Government lands of the State of Hawaii situated at  
Kahului, Wailuku, Maui, (2) 3-9-048 (roadway), as shown on the  
attached map labeled Exhibit A-1 & A-2.

AREA:

11,600 sq. ft., more or less, to be determined by survey.

ZONING:

State Land Use District: Urban  
County of Maui 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:

Vacant

CONSIDERATION:

Not applicable.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with Hawaii Administrative Rules (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 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 Item 44 that states, "Transfer of title to land."

The subject request is a de minimis action that will probably have minimal or no significant effect on the environment and should be declared exempt from the preparation of an environmental assessment and the requirements of § 11-200.1-17, HAR, as a de minimis action.

APPLICANT REQUIREMENTS:

Applicant shall be required to:

- 1) Provide survey maps and descriptions according to State DAGS standards and at Applicant's own cost.

DISCUSSION:

The subject roadway appears on the County of Maui tax map as a portion of Kenolio Road in South Maui (Exhibit A-1 and A-2).

Pursuant to section 171-52, HRS, a remnant 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 roadway remnant was created when roadway improvements were installed pursuant to the construction of the Ka Ono Ulu Estates subdivision in 1989. The remnant consists of approximately 11,600 square feet and abuts the applicants' intended beneficiary of sale property, Jewish Congregation of Maui Inc., to the east, at tax map key, (2) 3-9-048:109, and bisects the Maui Bay Villas Vacation Suites, from the beneficiary property, to the west at tax map key (2) 3-9-001:086. The portion of Kenolio road that bisects the two properties has since been abandoned and is no longer maintained as a public road.

Kenolio Road is not a state highway and therefore, pursuant to HRS 264-2, it is a County roadway. The State is not involved in maintenance of Kenolio Road.

Pursuant to Section 264-2, HRS, the ownership of all "public highways" (roads, alleys, streets, ways, lanes, bikeways, and bridges in the State, opened, laid out, or built by the government) are owned either by the State for state highways under the jurisdiction of the Department of Transportation or the county for all other public highways. While ownership of non-State highways was transferred from the State to the Counties by operation of law pursuant to this statutory section, the counties have continued to dispute that they own the roads because they do not have paper title.

Act 288, SLH 1993, stated in its preamble "In consideration of the State waiving its right to have the proceeds from the sale of county public highways remitted to the State, the counties shall acknowledge ownership and jurisdiction of all disputed public highways within their respective counties, as defined in section 264-1, HRS, without the necessity of conveyancing documents transferring title from the State to the respective counties, except when required for the purpose of disposal." (Emphasis added.)

As a result, it is staff's practice that formal documentation (i.e., quitclaim deeds) be issued on roads owned by the counties under Section 264-2, HRS, only when the county is going to subsequently dispose of any real property interests (fee conveyance or any interests less than fee) in at least a portion of the road to a third party. In all other cases, the State's position is that the fee simple interest in the road was passed to the counties by operation of law and documentation is unnecessary. This policy provides for the chain of title and enables subsequent real estate

transactions to occur. This policy should not be misconstrued to mean or imply that the State does not assert that the roads being quitclaimed are already owned by the applicable county.

Under Ordinance 5337 (2022), the Maui County Council authorized a Community Plan Amendment for the Jewish Congregation of Maui, Inc. to provide adequate off-street parking on its property. The Jewish Congregation of Maui, Inc. received a \$150,000 grant under the Federal Emergency Management Agency's Nonprofit Security Grant Program in February 2023 and enhanced its safety infrastructure.

The roadway remnant could be put to good use if acquired by the County and then made available to the Jewish Congregation of Maui, Inc. by sale.

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. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Chapter 11-200.1-15, HAR, this project will have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment as a de minimis action.
2. 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.
3. Authorize the quitclaim of interests, if any, the State may have in the subject roadway parcel to the County of Maui covering the subject area, subject to the Applicant fulfilling all of the Applicant requirements listed above and further subject 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 (roads) 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,



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Daniel Ornellas  
District Land Agent

APPROVED FOR SUBMITTAL:



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Dawn N.S. Chang, Chairperson

# Quitclaim Portion of Kenolio Road, Kaonoulu, Kihei, Maui

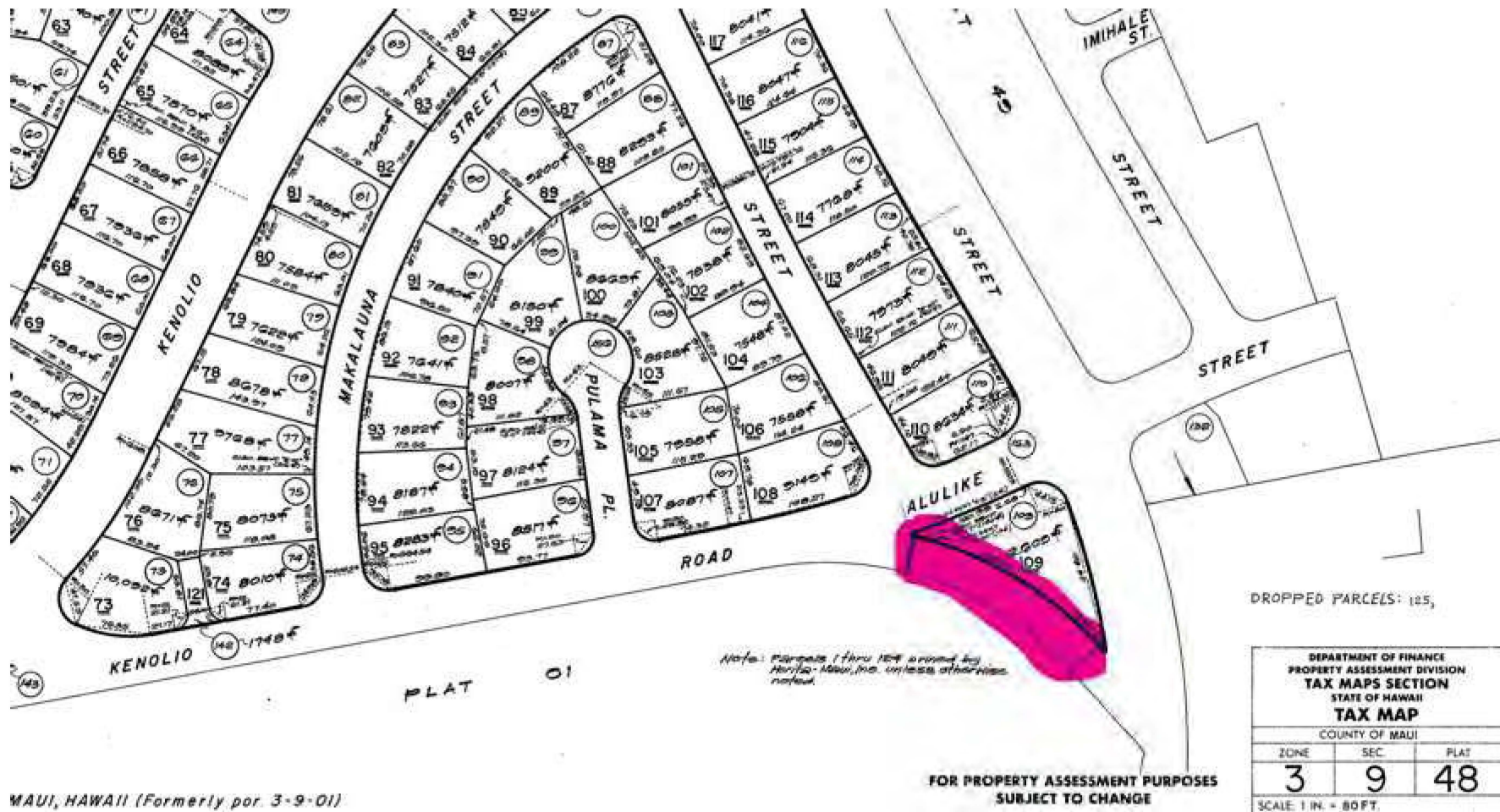
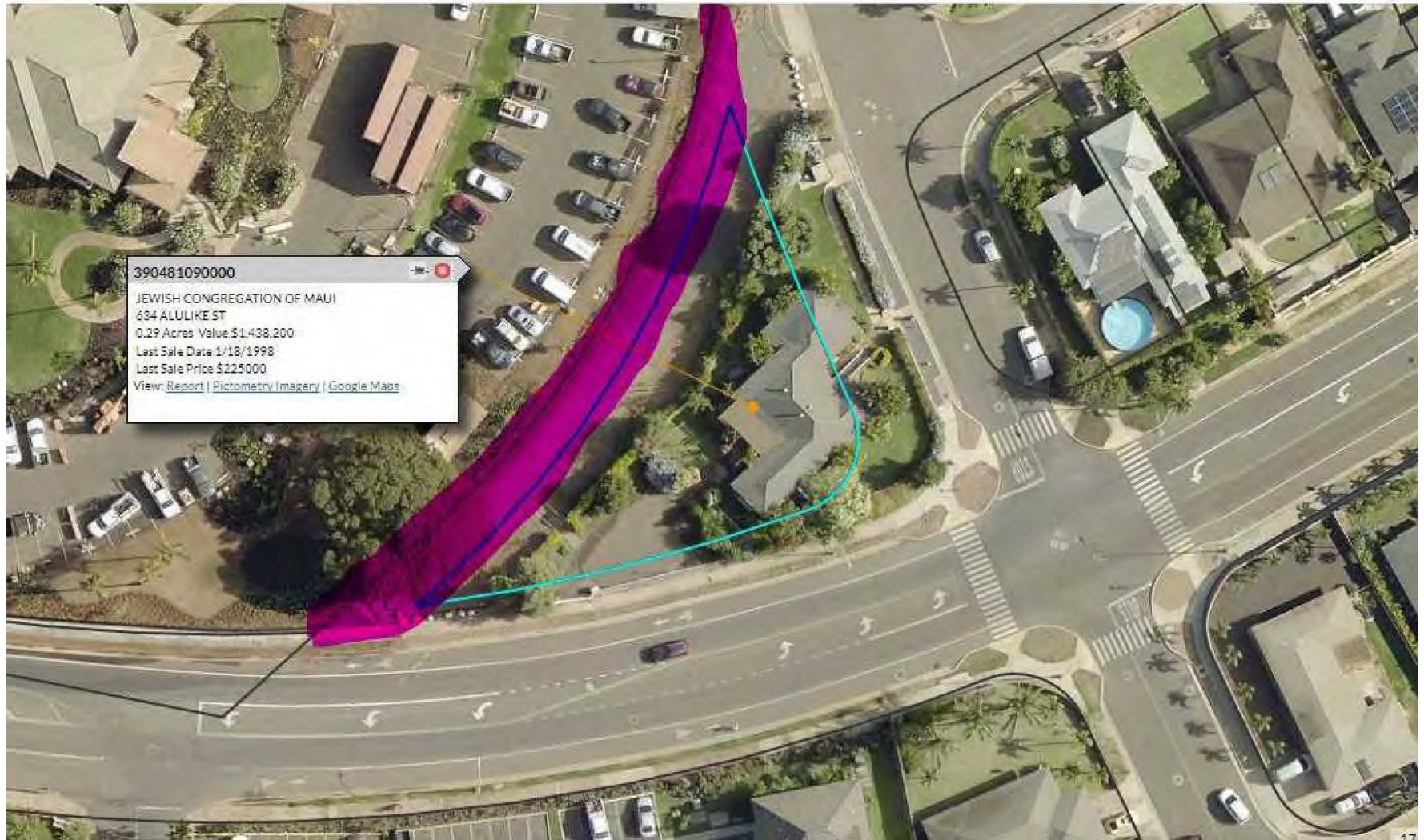


EXHIBIT A-1



## Quitclaim Portion of Kenolio Road, Kaonoulu, Kihei, Maui



**EXHIBIT A-2**

**RICHARD T. BISSEN, JR.**  
Mayor

**JOSIAH K. NISHITA**  
Managing Director



**OFFICE OF THE MAYOR**  
COUNTY OF MAUI  
200 SOUTH HIGH STREET  
WAILUKU, MAUI, HAWAII 96793  
[www.maui-county.gov](http://www.maui-county.gov)

June 23, 2025

Dawn N.S. Chang, Chairperson  
State of Hawaii  
Board of Land and Natural Resources  
Commission of Water Resource Management  
Department of Land and Natural Resources  
P O Box 621  
Honolulu, Hawaii 96809

Aloha Chairperson Chang,

I, hereby, request that the Board of Land and Natural Resources (BLNR) quitclaim, pursuant to Act 288, SLH 1993, any ownership interest of a roadway remnant that was once connected to Kenolio Road in Kihei, Maui, Hawaii. The roadway remnant was a result of roadway improvements constructed as a part of the Ka Ono Ulu Estates subdivision in 1989; and consists of approximately 11,600 square feet and abuts the properties of the Jewish Congregation of Maui Inc. at tax map key, (2) 3-9-048:109, and the Maui Bay Villas Vacation Suites at tax map key (2) 3-9-001:086.

Under Ordinance 5337 (2022), the Council authorized a Community Plan Amendment for the Jewish Congregation of Maui, Inc. to provide adequate off-street parking on its property. The Jewish Congregation of Maui, Inc. received a \$150,000 grant under the Federal Emergency Management Agency's Nonprofit Security Grant Program in February 2023 and enhanced its safety infrastructure. The roadway remnant could be put to good use if acquired by the County and then disposed to the Jewish Congregation of Maui, Inc. by sale. I would appreciate your consideration and assistance in this matter.

Mahalo for your time and attention.

Mele ka ha'a ha'a,

A handwritten signature in black ink, appearing to read "Richard T. Bissen, Jr.", is written over the printed name.

Richard T. Bissen, Jr.  
Mayor, County of Maui

**Exhibit B**