

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

December 12, 2025

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

PSF No.: 25HD-106

Hawaii

Quitclaim of State's Interests, if Any, in a Portion of Huina Road, to the
County of Hawaii, Department of Public Works, Olaa Homestead
Reservation Lots, Puna, Hawaii, Tax Map Key: (3) 1-7-003:023.

APPLICANT:

County of Hawaii, Department of Public Works.

LEGAL REFERENCE:

Sections 171-95(a)(5), 264-1, 264-2.1, and 264-3 Hawaii Revised Statutes
(HRS), as amended.

LOCATION:

Portion of Government lands of Olaa Reservation Lots situated at Kurtistown,
Puna, Hawaii, identified by Tax Map Key: (3) 1-7-003:023, as shown on the
attached map labeled Exhibit A.

AREA:

20,473 square feet, more or less, to be determined by survey.

ZONING:

State Land Use District: Agricultural
County of Hawaii; CZO: A-1a (Agriculture, 1 acre minimum)

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; public roadway.

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 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."

This quitclaim action is for housekeeping purposes only and does not constitute a use of public lands. Any future use of the property would require the County of Hawaii to comply with the environmental laws and rules in place at that time. Therefore, this is a de minimis action that will have minimal or no significant impact 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.

BACKGROUND:

Many roads on Hawaii Island were laid out on paper without on the ground surveys or engineering. Due to natural topographical features, many roads did not actually stay within the lines drawn on the map. Huina road is an example of this phenomena.

The mapping placed the road in a straight line which on the ground was obstructed by a hole (possible collapsed lava tube). People using this road for access just drove around the large hole. Over time, the subject property became a portion of Huina road providing access to several subdivisions and a large portion of privately owned properties in Olaa Reservation Lots (government-created homestead lots). Refer to attached Exhibit B.

In November 1959, Revocable Permit No. S-2947 (RP-2947) was issued to Puna Sugar co., Ltd. (Puna Sugar) by District Land Officer, Charles L. Murray, for the subject land parcel to be utilized for cane harvesting purposes. RP-2947 was later approved by the Board at its meeting held on May 12, 1961.

At the request of Puna Sugar, RP-2947 was cancelled effective June 30, 1983. Puna Sugar had utilized the subject parcel as part of the homestead roads during its farming operations which included much of the surrounding lands.

REMARKS:

Pursuant to Section 264-1, 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.

The State exercised jurisdiction over the subject parcel in the past by issuing a revocable permit to Puna Sugar. However, the property has been in use as a "public road" since at least the 1950's. It was paved and is maintained by the County of Hawaii as a portion of the County owned Huina road.

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 264-2.1, 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.)

However, in this case, the subject parcel is part of a "public highway" by usage. The County does not dispute that the road is there and has been built and maintained by the County, but mapping indicates it is an adjacent parcel owned by the State.

This became a problem when homes began being built along the curve of the "road". Requests for electrical service were made to the electric company and it was discovered that in order to provide electrical service, an easement across

the State parcel would be required.

Further, the parcel also lies between Huina road (as drawn on the maps) and five private parcels, thus landlocking four of the five. See attached Exhibit B.

The State maintains that the subject parcel belongs to the County of Hawaii due to its historical use and care as a public road. However, the County and the electrical company are not comfortable with this stance as the parcel was not “designated” as a road. Therefore, the County of Hawaii is asking for conveyance of the State’s interest, if any, to the County of Hawaii.

Due to the historical use, the need for access to the private lands, and utility requirements, staff is recommending the issuance of a quitclaim deed of the subject parcel to the County of Hawaii in order to settle the ownership question.

The form of the deed has been approved by the Department of the Attorney General and contains specific wording that the State is releasing and disclaiming any interest since it is the State’s assertion that the County already owns the road.

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 as a de minimis action.
2. Authorize the quitclaim of interests, if any, the State may have in the subject parcel to the County of Hawaii, Department of Public Works 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,

Candace Martin

Candace Martin
Acting District Land Agent

APPROVED FOR SUBMITTAL:



— Dawn N. S. Chang, Chairperson

EXHIBIT A

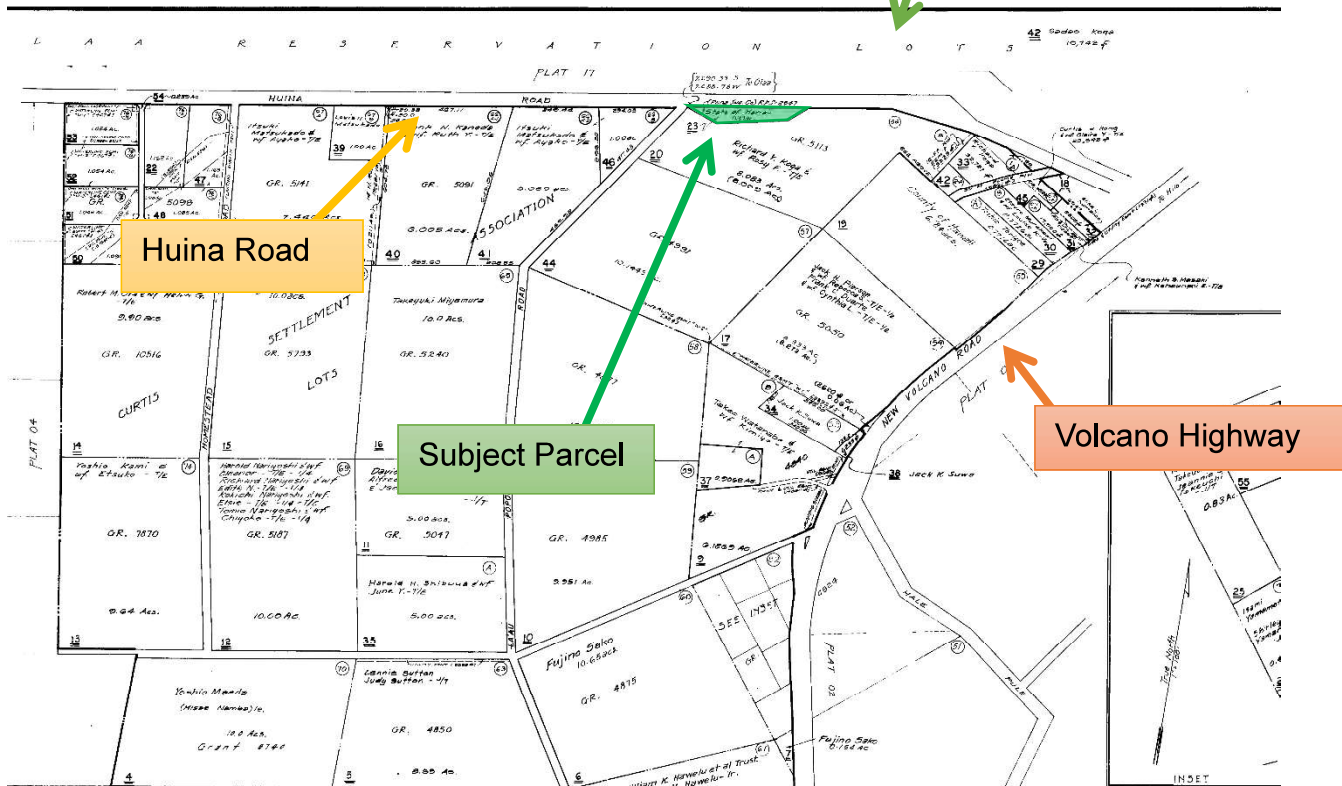


EXHIBIT B

