

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

May 22, 2026

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

PSF No.:22KD-088

KAUAI

Issuance of Immediate Right-of-Entry Permit for Access and Grant of Perpetual, Non-exclusive Easement to Tiffany Jane Parker and Cathleen Sheila Cooley, for Access and Utilities purposes Hanapepe, Waimea, Kauai, Tax Map Key: (4) 1-9-012:037.

APPLICANT:

Tiffany Jane Parker, wife of Forrest Chase Kipukai Callahan, and Cathleen Sheila Cooley, unmarried, as joint tenants (Applicant).

LEGAL REFERENCE:

Sections 171-13 and 55, Hawaii Revised Statutes (HRS), as amended.

LOCATION:

Portion of Government lands of Hanapepe situated at Hanapepe, Waimea, Kauai, identified by Tax Map Key: (4) 1-9-012:037 (Parcel 037).

A map of the subject parcel can be found on the County of Kauai's website¹.

AREA:

Total parcel is 2.43 acres, more or less. The easement area is approximately 0.175 acre, more or less. The easement will be from the south-east corner of the subject parcel, go up the eastern boundary of the subject parcel, and end at the north-east corner of the subject property (the south-east corner of the Applicant's property identified by TMK: (4) 1-9-012-029²).

ZONING:

State Land Use District: Agriculture
County of Kauai CZO: R2

¹ [Link for a map of the subject parcel found on the County of Kauai's Real Property website.](#)

² [Link for a map of the Applicant's property found on the County of Kauai's Real Property website](#)

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.

CHARACTER OF USE:

Right-of-entry (ROE): Right, privilege, and authority to use a right-of-way over, under and across State owned land for access purposes.

Easement: Right, privilege and authority to construct, use, maintain and repair a right-of-way over, under and across State-owned land for access and utility purposes.

TERM:

ROE: One (1) year upon acceptance of terms and conditions, or upon execution of the easement, whichever is sooner.

Easement: Perpetual.

COMMENCEMENT DATE:

ROE: Immediate.

Easement: To be determined by the Chairperson.

CONFIRMATION OF KULEANA LAND:

The subject parcel consists of land situated in the Ili of Kamoku, Ahupuaa of Hanapepe, District of Waimea, Island of Kauai, containing an area of 0.86 acres, more or less, and further identified by TMK: (4) 1-9-012-029. Land Commission Award 9190 Apana 1 & 2 to Kupia dated March 5, 1855, adjudicated and confirmed the title of the awardee in and to two Apana parcels of land described as "Apana 1 Aina kao" and "Apana 2 Pahale".

Therefore Parcel 029 is kuleana land as defined by the Kuleana Act of 1850 and is subject to Section 7-1, HRS, thus its owner is entitled to a perpetual access easement across State land on a gratis basis by virtue of the same section.

CONSIDERATION:

ROE: Gratis.

Easement: Gratis for access purposes. For utility purposes, one-time, lump sum payment of fair market value to be determined by independent or staff 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 the Exemption List for the Department of Land and Natural Resources reviewed and concurred on by the Environmental Council on November 10, 2010, the subject request is exempt from the preparation of an environmental assessment pursuant to:

General Exemption Type 1: Operations, repairs or maintenance of existing structures, facilities, equipment, or topographical features, involving minor expansion or minor change of use beyond that previously existing.

Part 1, Item 39: Creation or termination of easement, covenants, or other rights in structures or land.

Part 1, Item 44: Permits, licenses, registrations, and rights-of-entry issued by the Department that are routine in nature, involving negligible impacts beyond that previously existing.

General Exemption Type 3: Construction and location of single new, small facilities or structures and the alteration and modification of the facilities or structures and installation of new, small, equipment and facilities and the alteration and modification of the equipment or facilities, including but not limited to: (A) Single family residences less than 3,500 square feet, as measured by the controlling law under which the proposed action is being considered, if not in conjunction with the building of two or more such units; (B) Multi-unit structures designed for not more than four dwelling units if not in conjunction with the building of two or more such structures; (C) Stores, offices and restaurants designed for total occupant load of twenty individuals or fewer per structure, if not in conjunction with the building of two or more such structures; and (D) Water, sewage, electrical, gas, telephone, and other essential public utility services extensions to serve such structures or facilities; accessory or appurtenant structures including garages, carports, patios, swimming pools, and fences; and acquisition of utility easements.

Part 1, Item 7: Utility service connection and installation.

The subject parcel has historically been used for intensive agricultural purposes and is therefore not considered to be a sensitive environment. The proposed action is also no more intensive than previous uses as it is for only access and utility purposes. Therefore, the subject request is not anticipated to have significant cumulative and/or adverse effects on the environment and it is recommended that the Board find that this action be declared exempt from the preparation of an environmental assessment and the requirements of 11-200.1-17, HAR.

DCCA VERIFICATION:

The Applicant, as landowner, is not required to register with DCCA.

APPLICANT REQUIREMENTS:

The Applicant shall be required to:

1. Pay for the appraisal to determine one-time payment of the easement for utility purposes, at fair market price; and
2. Provide survey maps and descriptions according to State DAGS mapping standards at the Applicant's own cost.

PUBLIC TRUST ANALYSIS:

The State land at issue in the present submittal is ceded land subject to section 5(b) of The Admission Act (P.L. 83-3, 73 Stat 4). These lands and revenues derived therefrom constitute the public land trust, which shall be used only for the purposes of support for public schools and public educational institutions, the betterment of the conditions of native Hawaiians, development of farm and home ownership, public improvements, and provision of land for public use according to section 5(f) of The Admission Act.

The presently requested use of ceded lands conforms to the purposes of the public land trust because the proposed actions are a ROE permit and easement for access and utility purposes and thus the impact to the public is limited.

REMARKS:

The property has historically been used for intensive agriculture purpose and is now vacant and unencumbered.

The Applicant purchased the abutting property, Parcel 029, in February 2026. However, Parcel 029 is landlocked and thus the Applicant is unable to legally

access their property. Staff believes that the most direct and practical route for access to Parcel 029 is to connect to Akea Road, located approximately 220 feet south of Parcel 029.

Therefore, the Applicant is requesting an easement across Parcel 037 for access and utility purposes to landlocked Parcel 029. The easement will be from Akea Road, at the south-east corner of Parcel 037, go up the eastern boundary of Parcel 037, and end at the north-east corner of Parcel 037 (the south-east corner of the Applicant's Parcel 029).

Staff is also recommending an immediate ROE permit for the Applicant across Parcel 037. The easement process is lengthy and an immediate ROE will allow the Applicant to access and secure their Parcel 029 until the easement document is fully executed.

The 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.

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. For the reasons stated herein, find that the requested dispositions are consistent with the public land trust. If the Board determines that these dispositions are consistent with the public trust, then the Board is recommended to approve the following:
3. Authorize the issuance of an immediate right-of-entry permit to Tiffany Jane Parker and Cathleen Sheila Cooley 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 right-of-entry permit form, as may be amended from time to time;
 - B. The right-of-entry permit is for a term of one-year beginning on the date that the Applicant accepts the agreement and its terms and conditions;

- C. The Chairperson is authorized to issue future right-of-entry permits covering the subject land for up to one-year per permit for good cause shown; and
 - D. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.
4. Subject to the Applicant fulfilling the requirements listed above, authorize the issuance of a perpetual non-exclusive easement to Tiffany Jane Parker and Cathleen Sheila Cooley covering the subject easement area for access and utility purposes 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 perpetual easement document form, as may be amended from time to time;
 - B. The easement shall run with the land and shall inure to the benefit of the real property described as Tax Map Key: (4) 1-9-012:029, providing that the Grantee shall be required to carry liability insurance covering the easement area and comply with all other terms and conditions as provided herein, and that the Grantee, or authorized representative of the Grantee's estate, shall notify the Grantor in writing when this easement is sold, assigned, conveyed, or otherwise transferred, and Grantee shall notify the Grantee's successors or assigns of the insurance requirement in writing, separate and apart from the easement document;
 - C. Review and approval by the Department of the Attorney General; and
 - D. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,

Steven Domingo Jr

Steven Domingo
Supervising Land Agent

APPROVED FOR SUBMITTAL:



Dawn N.S. Chang, Chairperson