

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

July 24, 2015

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

PSF No.: 15HD-055
Hawaii

Grant of a 65 Year Term, Non-Exclusive Easement to Roman Catholic Church in the State of Hawaii (RCCH) for access and utility purposes; Issuance of a Right-Of-Entry Permit to Roman Catholic Church in the State of Hawaii, Kaumana, South Hilo, Hawaii Tax Map Key: (3) 2-5-003:021 por.

APPLICANT:

Roman Catholic Church in the State of Hawaii (RCCH), Hawaii non-profit corporation.

LEGAL REFERENCE:

Section 171-13, Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government lands situated at Kaumana, South Hilo, Hawaii, identified by Tax Map Key: (3) 2-5-003: por 021, as shown on the attached map labeled Exhibit A.

AREA:

Access and utility corridor approximately 24 feet wide; actual area to be determined by survey, subject to review and verification by the Department of Accounting and General Services, Survey Division.

ZONING:

State Land Use District: Agriculture
County of Hawaii CZO: Agriculture

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act

DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: YES ____ NO
X

CURRENT USE STATUS:

Vacant and unencumbered.

CHARACTER OF USE:

For access and utility: 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.

COMMENCEMENT DATE:

To be determined by the Chairperson.

CONSIDERATION:

One-time payment to be determined by independent or staff appraisal establishing fair market rent, subject to review and approval by the Chairperson.

EASEMENT TERM:

Sixty-five (65) years.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with the "Division of Land Management's Environmental Impact Statement Exemption List", approved by the Environmental Council and dated April 28, 1986, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 1, which 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 Exemption Class No. 4, which states, "Minor alterations in the conditions of land, water or vegetation."

Please see attached Exemption Notification Form attached as Exhibit B.

DCCA VERIFICATION:

Place of business registration confirmed:	YES <u>X</u>	NO <u>__</u>
Registered business name confirmed:	YES <u>X</u>	NO <u>__</u>
Applicant in good standing confirmed:	YES <u>X</u>	NO <u>__</u>

APPLICANT REQUIREMENTS:

Applicant shall be required to:

- 1) Provide survey maps and descriptions according to State DAGS standards and at Applicant's own cost; and
- 2) Pay for an appraisal to determine one-time payment.

REMARKS:

The subject State parcel, identified as TMK: (3) 2-5-003:021 (Parcel 21) lies adjacent to the northern side of Kaumana Drive in South Hilo, near the fork created by the intersection of the Puainako Street extension and Kaumana Drive. Although it is currently unencumbered, it was previously leased to Island Orchids, Inc., a Hawaii corporation, and by mesne assignment to Island Tropicals, a Hawaii general partnership, under GLS-4556 for cultivation, wholesaling, retailing, packing of nursery products and related uses. GLS-4556 commenced on April 22, 1977 and was cancelled and terminated, effective July 30, 1995 due to failure to pay rent.

Applicant RCCH's private parcel, TMK: (3) 2-5-003:026 (RCCH Parcel), lies adjacent and north of Parcel 21. The RCCH Parcel is surrounded by mostly unimproved parcels that are either landlocked, or have access from a border on the opposite side of the abutting Parcel 21. The RCCH Parcel is currently vacant with no signs of improvements.

Applicant RCCH is requesting a 65-year term, non-exclusive easement for access and utility purposes over Parcel 21 to benefit the RCCH Parcel. The RCCH Parcel is considered landlocked, as preliminary research suggests that there is no legal access to a public roadway from the property. Currently, there is an old overgrown roadway on Parcel 21, which used to provide access from Kaumana Drive to the southern border of the RCCH Parcel, but had been gated off at the Kaumana Drive entrance after cancellation of GLS-4556. This old roadway was used in the past by sugarcane trucks during the sugar plantation days, and during operations under the last lessee, Island Orchids, Inc., under GLS-4556. No known documentation identifying this overgrown roadway as a government road or easement has been found. The Applicant is requesting a grant of easement to develop a roadway for access and utility purposes over where this overgrown roadway currently exists. Please see the highlighted area on Parcel 21, directly below the RCCH Parcel on attached TMK map, identified as Exhibit A.

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.

On May 27, 2015 various government agencies and interest groups were solicited for comments including DHHL, DOFAW, SHPD, DOT Highways, COH Planning, COH Public Works, DWS, HFD, HPD, and OHA. There were no objections submitted pertaining to this request.

The Applicant is also requesting a right-of-entry permit for purposes of surveying the subject access/utility corridor prior to the issuance of the easement.

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, 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. Authorize the subject requests to be applicable in the event of a change in the ownership of the abutting parcel described as Tax Map Key: (3) 2-5-003:026,

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. Subject to the Applicant fulfilling all of the Applicant requirements listed above, authorize the issuance of a term, non-exclusive easement to RCCH covering the subject 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 term 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: (3) 2-5-003:026, provided however: (1) it is specifically understood and agreed that the easement shall immediately cease to run with the land upon the expiration or other termination or abandonment of the easement; and (2) if and when the easement is sold, assigned, conveyed, or otherwise transferred, the Grantee shall notify the Grantor of such transaction in writing, and shall notify 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.

4. Authorize the issuance of a right-of-entry permit to RCCH 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. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,



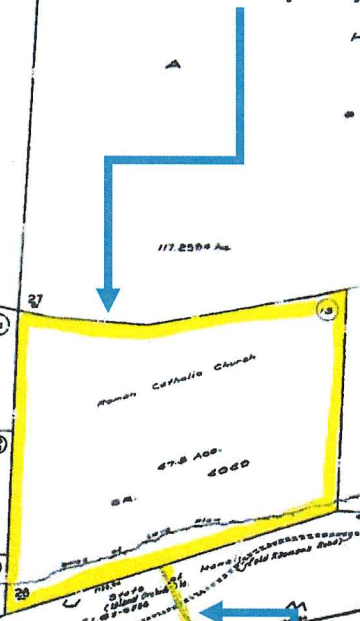
Dan Gushiken
Land Agent

APPROVED FOR SUBMITTAL:



Suzanne D. Case, Chairperson

Applicant's
Private Property



Requested Easement Area (approximate)

Richard Marshall	11,8750	22 1/2
Leah W. Carlson	10,1250	22 1/2
John W. Rogers	8,5000	22 1/2
John Carlstrom	18,3000	10 3/4
John Johnson	18,9000	10 3/4
William Johnson	3,8250	22 1/2
Marion J. Brown	1,1250	22 1/2

J. A. H. Eschscholtz - 1/4
 Myra D. Eschscholtz - 1/4

70.6 AC.
 GR. 4432

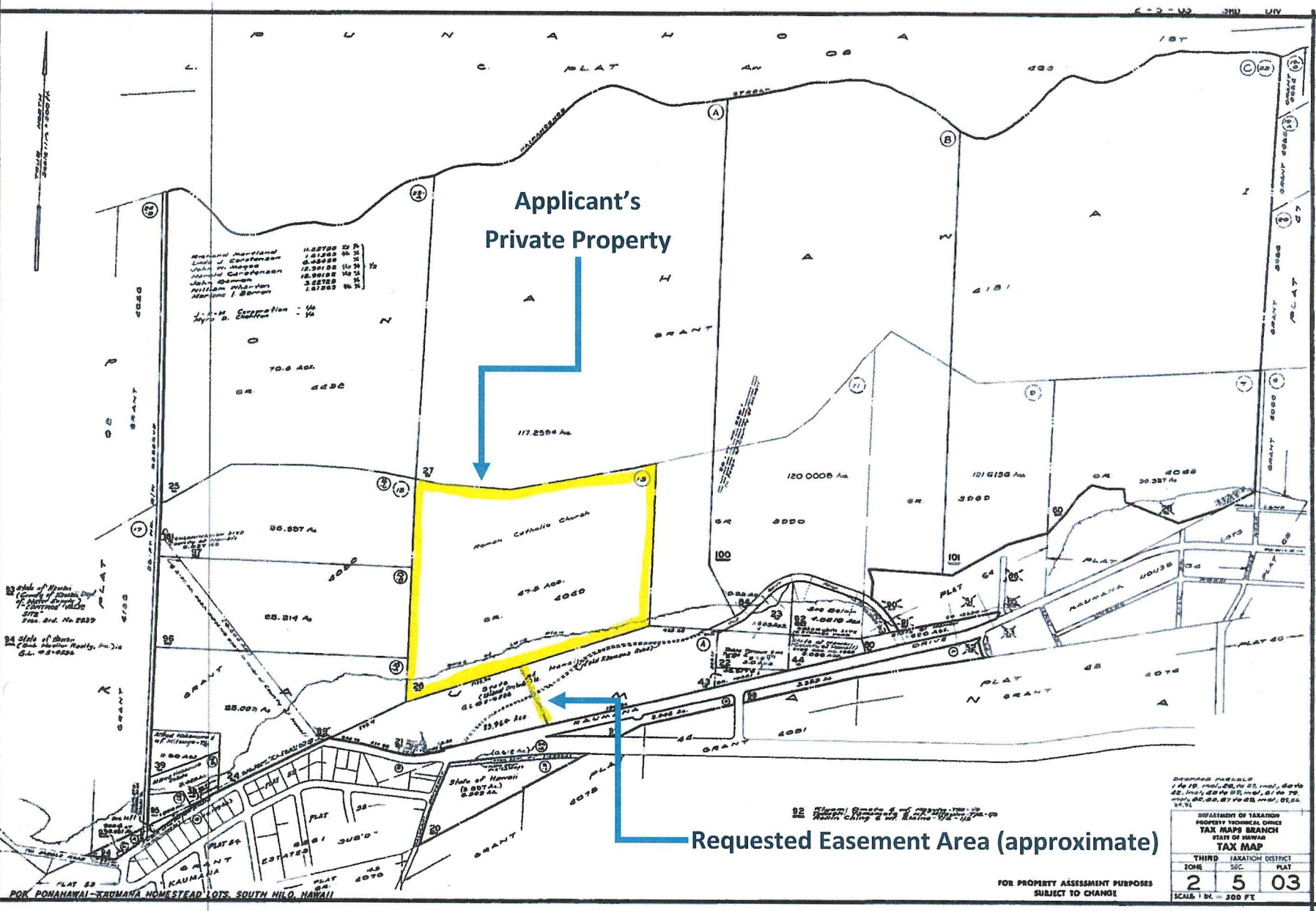
117,2500 AC.

Roman Catholic Church

47.8 AC.
 GR. 4000

121,8150 AC.
 GR. 3000

30,327 AC.
 GR. 4000



33 State of Hawaii
 County of Hawaii, Dept
 of Public Works
 Title
 Plat No. 2829

34 State of Hawaii
 County of Hawaii, Dept
 of Public Works
 Title
 Plat No. 2829

35 State of Hawaii
 County of Hawaii, Dept
 of Public Works
 Title
 Plat No. 2829

36 State of Hawaii
 County of Hawaii, Dept
 of Public Works
 Title
 Plat No. 2829

37 State of Hawaii
 County of Hawaii, Dept
 of Public Works
 Title
 Plat No. 2829

38 State of Hawaii
 County of Hawaii, Dept
 of Public Works
 Title
 Plat No. 2829

39 State of Hawaii
 County of Hawaii, Dept
 of Public Works
 Title
 Plat No. 2829

40 State of Hawaii
 County of Hawaii, Dept
 of Public Works
 Title
 Plat No. 2829

DEPARTMENT OF VARIATION
 PROPERTY TECHNICAL OFFICE
 TAX MAPS BRANCH
 CITY OF HONOLULU
 TAX MAP

THIRD	TAXATION DISTRICT
ZONE	PLAT
2	5 03

SCALE: 1 IN. = 300 FT.

FOR PROPERTY ASSESSMENT PURPOSES
 SUBJECT TO CHANGE

EXHIBIT A

POK PONAHAU-RAUMANA HOMESTEAD LOTS, SOUTH HILO, HAWAII

DAVID Y. IGE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

July 24, 2015

SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

KEKOA KALUHIWA
FIRST DEPUTY

W. ROY HARDY
ACTING DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

EXEMPTION NOTIFICATION

Regarding the preparation of an environmental assessment pursuant to Chapter 343, HRS and Chapter 11-200, HAR.

Project Title: Grant of a 65 Year, Non-Exclusive Easement to Roman Catholic Church in the State of Hawaii (RCCH) for access and utility Purposes; Issuance of a Right-Of-Entry Permit by Roman Catholic Church in the State of Hawaii, Kaumana, South Hilo, Hawaii Tax Map Key: (3) 2-5-003:021 por.

Project / Reference No.: PSF No.: 15HD-055

Project Location: Kaumana, South Hilo, Hawaii, identified by Tax Map Key: (3) 2-5-003: portion of 021.

Project Description: Grant of 65 Year Term, Non-Exclusive Access and Utility Easement.

Chap. 343 Trigger(s): Use of State land.

Exemption Class No. and Description: In accordance with the Division of Land Management Environmental Impact Statement Exemption List, approved by the Environmental Council and dated April 28, 1986, the subject project is considered to be exempt from the preparation of an environmental assessment pursuant to:
Exemption Class No. 1, which 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
Exemption Class No. 4, which states, "Minor alterations in the conditions of land, water or vegetation."

Exemption Item Description from Agency Exemption List: Operations, repairs or maintenance of existing structures, facilities, equipment or topographical features, involving negligible or no expansion or change of use beyond that

EXHIBIT B

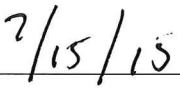
previously existing.

Recommendation:

It is anticipated this project will probably have minimal or no significant effect on the environment and is presumed to be exempt from the preparation of an environmental assessment.



Suzanne D. Case, Chairperson



Date

