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

January 22, 2016

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

PSF No: 14KD-160

Kauai

Sale of Remnant State Parcel to Christopher D. Sanderl and Julia R. Sanderl, Por. of Kapaa Homesteads, 4th Series, Kapaa, Kauai, Tax Map Key: (4) 4-6-014:014

Issuance of Immediate Right-of Entry Permit to Christopher D. Sanderl and Julia R. Sanderl for Site Visit and Survey Purposes, Por. of Kapaa Homesteads, 4th Series, Kapaa, Kauai, Tax Map Key: (4) 4-6-014:014

APPLICANT:

Christopher D. Sanderl and Julia R. Sanderl, Married, Tenants by the Entirety.

LEGAL REFERENCE:

Section 171-52, -55, Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Kapaa Homesteads, 4th Series, Kapaa, Kauai, Tax Map Key: (4) 4-6-014:014, as shown on the attached maps labeled Exhibit A.

AREA:

0.083 acres, more or less.

ZONING:

State Land Use District:	Agriculture,Urban
County of Kauai CZO:	Agricultural

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 independent or staff appraiser, subject to review and approval by the Chairperson.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

See Exhibit B.

DCCA VERIFICATION:

As natural persons, applicants are not required to register with DCCA.

APPLICANT REQUIREMENTS:

Applicant shall be required to:

1) Pay for an appraisal to determine the one-time payment of fair market value for the remnant and;
2) Consolidate the remnant with the Applicant's abutting property through the County subdivision process; and
3) Provide survey maps and descriptions according to State DAGS standards and at Applicant's own cost.

REMARKS:

The Kapaa irrigation system was built in the 1920s to provide water for approximately 6,000 acres of land for sugar cane cultivation. The system comprises 22.5 miles of ditch and tunnel, the Wailua Reservoir with 242 million gallon capacity, the Kapahi Reservoir with 30 million gallon capacity and three smaller reservoirs.

On November 17, 2000 the Amfac Company ceased farming operations on Kauai, resulting in the closing of the East Kauai Water Company and the abandonment of the irrigation system of reservoirs and ditches in the region. The subject property ditch was abandoned prior to Amfac's termination of sugar cane cultivation and was last in use in the 1970s.

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:

1) The parcel is an abandoned ditch.
2) There are no current plans for future State use of the subject property.
3) The irregular size, shape and location make the subject property economically and physically unsuitable for any alternate development or utilization.

The sale of such remnants to abutting private property owners relieves the State of maintenance costs and liability associated with them. The Applicants are the owners of TMK: (4) 4-6-014:109 (Parcel 109), the abutting property to the subject parcel. Applicants will purchase only that portion of the subject remnant located within Parcel 109. See maps attached as Exhibit A.

Comments were solicited from the agencies identified below with the results indicated.

State Agencies:

DOH	No Objections
DLNR – Historic Preserv.	No Response By Suspense Date

County Agencies:

County Planning	No Response By Suspense Date
Public Works	No Objections

Outside Agencies:

East Kauai Water Co-Op	No Objections

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. 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 subject requests to be applicable in the event of a change in the ownership of the abutting parcel described as Tax Map Key: (4) 4-6-014:109, 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.

4. Authorize the subdivision and consolidation of the subject remnant by the Applicant.

5. Authorize the Issuance of an Immediate Right-of-Entry Permit to the Applicant on to subject property for site visit and survey purposes, which will expire upon execution of sale of remnant parcel.

   a. The standard terms and conditions of the most current right-of-entry permit form, as may be amended from time to time.

   b. Right-of-Entry permit will expire upon execution of sale of remnant parcel to the Applicant.

   c. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

6. Subject to the Applicants fulfilling all of the Applicant Requirements listed above, authorize the sale of the subject remnant to Christopher D. Sanderl and Julia R. Sanderl 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

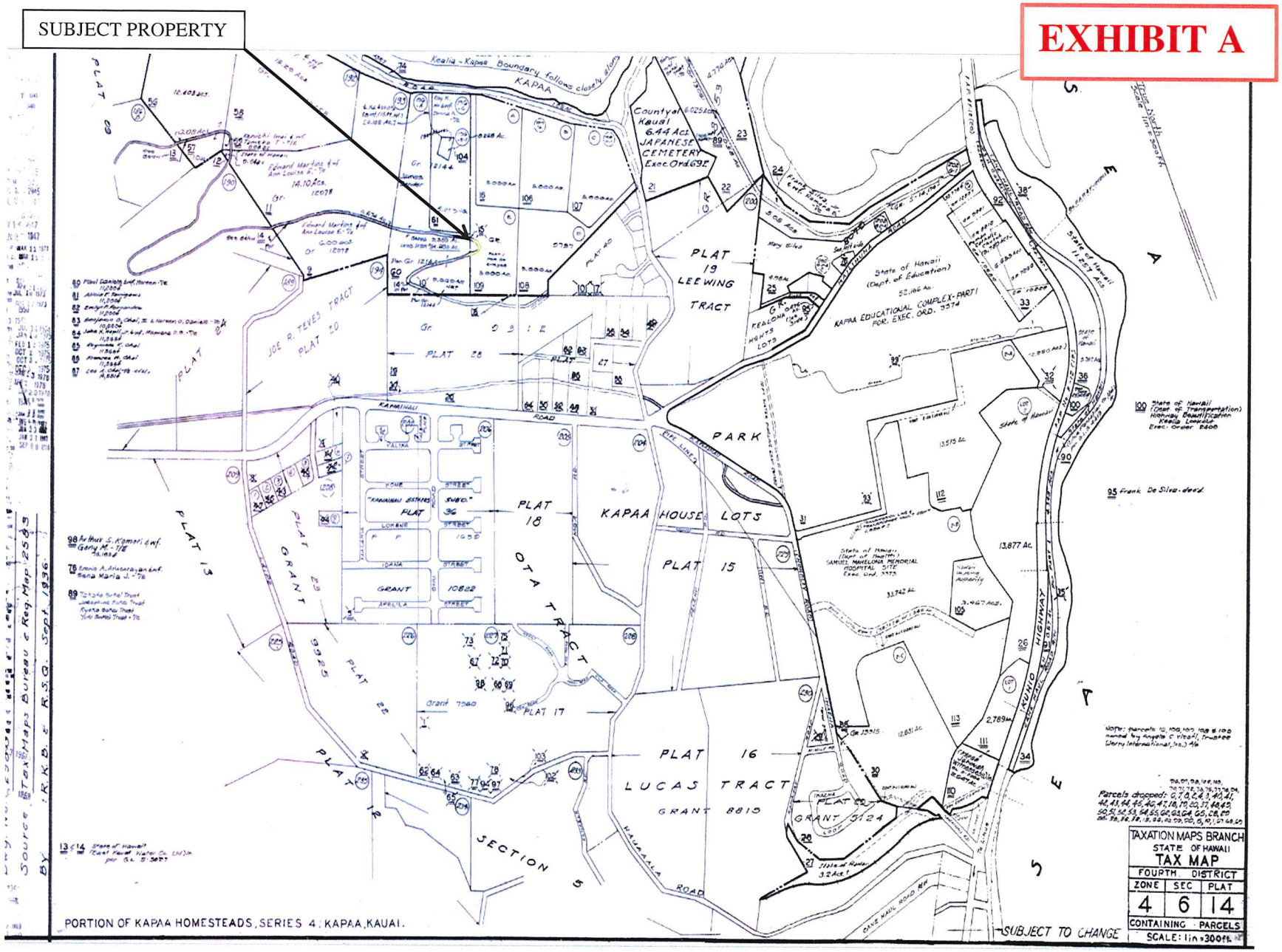
   c. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

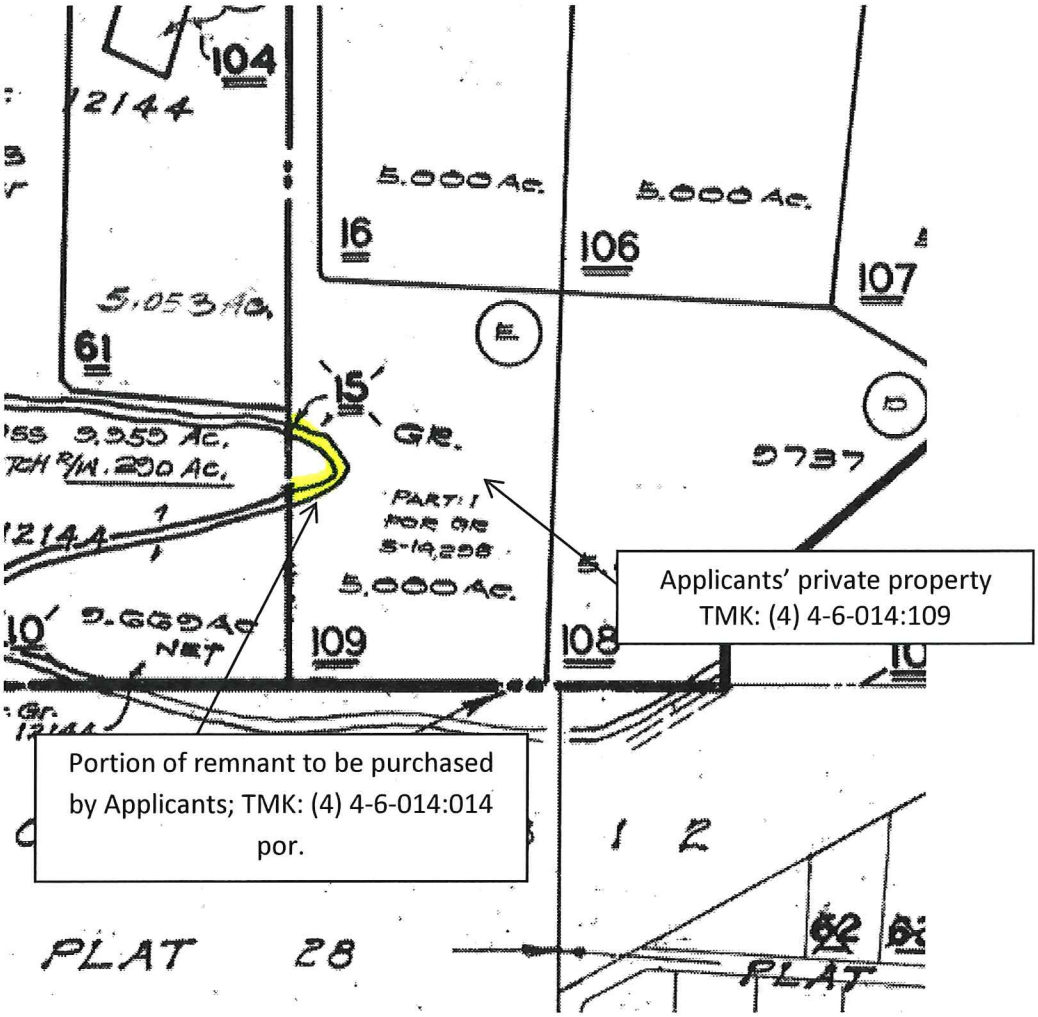
Respectfully Submitted,

Armalin Richardson
Land Agent

APPROVED FOR SUBMITTAL:

Suzanne D. Case, Chairperson


SUBJECT PROPERTY
EXHIBIT A
Kealia - Kapaa Boundary follows closely along
KAPAA
County of Kauai 6.44 Acs. JAPANESE CEMETERY Exec Ord 69E
PLAT 19 LEEWING TRACT
State of Hawaii (Dept. of Education) 52.166 Ac. KAPAA EDUCATIONAL COMPLEX-PART I FOR. EXEC. ORD. 3374
PARK
PLAT 18
KAPAA HOUSE LOTS
PLAT 15
PLAT 16
LUCAS TRACT
GRANT 8815
GRANT 5124
PLAT 17
PLAT 26
PLAT 27
KAMINAU ROAD
JOE R. TEVES TRACT
PLAT 13
PLAT 12
SECTION 5
HAUAALA ROAD
KUHIO HIGHWAY
PORTION OF KAPAA HOMESTEADS, SERIES 4: KAPAA, KAUAI.
SUBJECT TO CHANGE
TAXATION MAPS BRANCH
STATE OF HAWAII
TAX MAP
FOURTH DISTRICT
ZONE 4 SEC 6 PLAT 14
CONTAINING PARCELS
SCALE: 1 in = 300 ft.


104
12144
5.000 Ac.
5.000 Ac.
16
106
107
5.053 Ac.
61
15
GR.
9737
PART: I
FOR GR
5-14,298
5.000 Ac.
9.669 Ac
NET
109
108
Applicants' private property
TMK: (4) 4-6-014:109
Portion of remnant to be purchased
by Applicants; TMK: (4) 4-6-014:014
por.
PLAT 28
PLAT

DAVID Y. IGE
GOVERNOR OF
HAWAII

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

KEKOA KALUHIWA
FIRST DEPUTY

JEFFREY T. PEARSON
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

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

January 22, 2016

EXHIBIT B

TO: Board of Land and Natural Resources

THROUGH: Suzanne D. Case, Chairperson

FROM: Armalin Richardson, Land Agent

DECLARATION OF EXEMPTION FROM THE PREPARATION OF AN ENVIRONMENTAL ASSESSMENT UNDER THE AUTHORITY OF CHAPTER 343, HRS AND CHAPTER 11-200 HAR, SALE OF REMNANT STATE PARCEL AND IMMEDIATE RIGHT-OF-ENTRY FOR ACCESS & UTILITY PURPOSES TO CHRISTOPHER & JULIA SADERL, POR. OF KAPAA HOMESTEADS, 4TH SERIES, KAPAA, KAUAI, TAX MAP KEY: (4) 4-6-014:014

The following permitted activities are found to be exempted from preparation of an environmental assessment under the authority of Chapter 343, HRS and Chapter 11-200, HAR:

PSF No.:

14KD-160

Project Title:

Sale of Remnant State Parcel and Immediate Right-Of-Entry for Access & Utility Purposes to Christopher & Julia Saderl, Por. of Kapaa Homesteads, 4th Series, Kapaa, Kauai, Tax Map Key: (4) 4-6-014:014

Background and Project Description:

The Kapaa irrigation system was built in the 1920s to provide water for approximately 6,000 acres of land for sugar cane cultivation. The system comprises 22.5 miles of ditch and tunnel, the Wailua Reservoir with 242 million gallon capacity, the Kapahi Reservoir with 30 million gallon capacity and three smaller reservoirs.

On November 17, 2000 the Amfac Company ceased farming operations on Kauai, resulting in the closing of the East Kauai Water Company and the abandonment of the irrigation system of reservoirs and ditches in the region. The subject property ditch was abandoned prior to Amfac

termination of sugar cane cultivation and was last in use in the 1970s. Several similar segments of abandoned ditch throughout the area have been filled in and sold as remnants to abutting private property owners.

The Applicants intent to consolidate the subject parcel into their private property and construct a 3-bedroom, 2-bathroom dwelling, after obtaining applicable County of Kauai building Permits. The Applicants' acquisition is unlikely to create any change of use beyond that previously existing.

Exemption Determination:

After review of HAR §11-200-(8), staff has concluded that the sale of the subject remnant would have minimal or no significant effect on the environment and that the project is categorically exempt from the requirement to prepare an environmental assessment.

According to the Exemption List for the Department of Land and Natural Resources, as reviewed and approved by the Environmental Council on June 5, 2015, Exemption Class 1, No. 51, "Permits, licenses, registrations, and rights-of-entry issued by the Department that are routine in nature, involving negligible impacts beyond that previously existing".

Conclusion:

It is recommended that the board declare that this action 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
Board of Land and Natural Resources

12/31/15
Date