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

PSF No: 14KD-160

State of Hawaii  
Honolulu, Hawaii  
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:

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<thead>
<tr>
<th>Agency</th>
<th>Action</th>
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<tbody>
<tr>
<td>DOH</td>
<td>No Objections</td>
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<tr>
<td>DLNR - Historic Preserv.</td>
<td>No Response By Suspense Date</td>
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County Agencies:

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<th>Action</th>
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<tr>
<td>County Planning</td>
<td>No Response By Suspense Date</td>
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<tr>
<td>Public Works</td>
<td>No Objections</td>
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Outside Agencies:

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<th>Agency</th>
<th>Action</th>
</tr>
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<tbody>
<tr>
<td>East Kauai Water Co-Op</td>
<td>No Objections</td>
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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 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,

[Signature]
Armalin Richardson
Land Agent

APPROVED FOR SUBMITTAL:

[Signature]
Suzanne D. Case, Chairperson
Portion of remnant to be purchased by Applicants; TMK: (4) 4-6-014:014 por.

Applicants' private property
TMK: (4) 4-6-014:109
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, KAUAII, 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  
Date 12/31/15