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3.4 LAND ACQUISITION, DISPLACEMENT, AND RELOCATION

This section identifies the potential land acquisition requirements for the Build Alternatives, evaluates if there could be a displacement of residents or businesses, and provides an overview of the federal and State regulations governing land acquisition.

Following publication of the Draft Environmental Impact Statement (EIS), the public was afforded an opportunity to review and comment on the effects of the Project with respect to land acquisition, displacement, and relocation. As part of this Final EIS, the analysis contained within this section was revised to reflect those comments, or other information gathered after the publication of the Draft EIS.

Property acquisition would be carried out during the design-build phase of final design when right-of-way configurations would be fully identified. For purposes of this Final EIS, this section discloses the parcels within the project area that any Build Alternative would traverse. If property acquisition effects are identified during final design that exceed effects identified in this Final EIS, these effects will be examined in a NEPA re-evaluation.

The types of anticipated land acquisitions include the following:

- **Full and Partial Acquisitions** would occur when all or a portion of a parcel would be transferred from its existing owner to the Hawaiʻi Department of Transportation (HDOT) for transportation use. This transfer could potentially require displacement and relocation of the acquired property.
- **Temporary and Permanent Easements:** Temporary easements would acquire the use or control of property during project construction for a specific use or uses and for a limited period (usually the length of the construction contract). Permanent easements would acquire the use or control of property for a designated purpose in perpetuity. In most cases, temporary and permanent easements would not require displacement and relocation. The property owner can continue to use the property for purposes that would not interfere with the easement.

3.4.1 Regulatory Context

3.4.1.1 Real Property Acquisition

A federally funded project must adhere to the Uniform Standards of Professional Appraisal Practice and the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (Uniform Act), as codified in 42 United States Code Sections 4601 et seq., and the applicable implementing regulations set forth in Title 49, CFR, Part 24.

The Uniform Act protects the rights of owners and tenants of property that is acquired to implement a project without discrimination. Its intent is to ensure that affected individuals are justly compensated for losing property or being required to relocate due to programs and projects designed for the benefit of the public.

In Hawaiʻi, the acquisition of real property must adhere to the Hawaii State Eminent Domain Law (2022 Hawaii Revised Statues, Title 9 Public Property, Purchasing, and Contraction, Section 101, Eminent Domain), which establishes the public purpose and procedures for private property acquisition by the

State,[1] and Hawaii Revised Statues, Title 12 Conservation and Resources, Chapter 171, Public Lands, Management, and Disposition.[2] In addition, the HDOT Highways Division established property acquisition procedures in its 2011 Right-of-Way Manual, as amended, including the agency's compliance with federal and State of Hawai'i regulations and guidance.[3]

3.4.1.2 Māhele Land Tenure Rights

The Māhele reformed Hawai'i's traditional system of land tenure from the chiefs and people holding land in common to a private ownership model based on Western land regimes. It was a multipart process that began in 1845 with the establishment of a Board of Commissioners to Quiet Land Titles, also known as the Land Commission. Native tenants who intended to secure rights or title to any lands submitted their claims to the five-member Land Commission Board. The Board then determined the validity of those claims and issued a Land Commission Award to successful claimants.[4] Upon payment of a commutation fee to the government, a Royal Patent was issued, perfecting title to the land.[5]

The actual land division, or Māhele, began in 1848. It required an initial process of clarifying and separating the respective property interests of the King, the chiefs and konohiki (ahupua'a managers), and the native tenants or hoa 'āina.[6] The intent was for the King (Kamehameha III) to retain his own individual lands (known as the Crown Lands), and for the remaining lands to be divided into thirds and entitled to the government, the chiefs and konohiki, and the native tenants.[7] These three land categories are Government Lands, Konohiki Lands, and Kuleana Lands.

In designations of lands as either Crown or Government, and through all awards of whole ahupua'a, 'ili, and later land sales to foreigners, the rights of the native tenants were expressly reserved, "Koe na Kuleana o Kanaka" (Reserving the Rights of Native Tenants).[8] For the native tenants, it took the passage of the Act of August 6, 1850, commonly known as the Kuleana Act, to facilitate the process of taking title to their own landholdings, which became known as Kuleana Lands. While the Kuleana Act waived the commutation fee, a land survey was still required. The tenants were permitted to make claims for any lands that they cultivated and were required to provide evidence of such through testimony to the Land Commission. In West Maui, only approximately half of the native tenants who were expected to file claims did so by the initial February 14, 1848, deadline.[9]

Although the intent was for the land to be divided equally among the government, the chiefs and konohiki, and native tenants, the outcome was far from equitable. The native tenants received less than 1% of all the land in Hawai'i—a total of 28,658 acres.[10] Many eligible Hawaiians would later

1 2022 Hawaii Revised Statues, Title 9 Public Property, Purchasing, and Contraction, Section 101, Eminent Domain.

2 https://www.capitol.hawaii.gov/hrscurrent/Vol03_Ch0121-0200D/HRS0171/HRS_0171-.htm.

3 https://hidot.hawaii.gov/highways/files/2012/10/ROW-MANUAL-2011.pdf.

4 Chinen, Jon J. 1958. The Great Māhele: Hawai'i's Land Division of 1848. University of Hawai'i Press, Honolulu.

5 Ibid.

6 Ibid.

7 Ibid.

8 Alexander, W.D. 1890. A Brief History of Land Titles in the Hawaiian Kingdom. In Hawaiian Almanac and Annual for 1891, edited by T. G. Thrum. Press Publishing Company Print, Honolulu.

9 Scheuer, Jonathan L. and Isaki, Bianca K. 2021 Water and Power of West Maui. University of Hawai'i Press, Honolulu.

10 Van Dyke, Jon M. 2008. Who Owns the Crown Lands of Hawai'i. University of Hawai'i Press, Honolulu.

exercise an option to purchase government lands, greatly increasing native tenant ownership to 195,000 acres.[11] Any rights to Kuleana Lands protected the entitlement of Hawaiian tenant farmers[12] and their descendants to, among other things, access landlocked[13] real estate parcels and access to drinking and running water. These rights were historically ignored, resulting in displacement until Hawaiians asserted their rights—rights that have been affirmed by the State of Hawai‘i Supreme Court as recently as 2012.

3.4.1.3 Property Acquisition Process

Privately Owned Property Acquisition Process

The HDOT Right-of-Way Branch has primary responsibility for the acquisition and management of lands, right-of-way easements, and other real property interests. The branch also provides right-of-way cost estimates and monitors real property acquisition and relocation activities conducted by local public agencies.

Overall, the State of Hawai‘i ensures that legal and physical possession of all rights-of-way is available before starting physical construction on individual properties. This process involves direct communication with the parcel owners, creation of fair and independent property appraisals, negotiation, resolution and agreement on compensation and property transfer. For this process, the Right-of-Way Branch follows established real property acquisition procedures provided in the Right-of-Way Manual to do the following:

- Encourage and expedite the acquisition of real property through agreements with owners that are based on legal appraisals to determine fair-market value and in accordance with State of Hawai‘i and federal laws.
- Avoid litigation and relieve congestion in the courts. However, if a property owner chooses to reject the State of Hawai‘i’s offer to purchase or rent a subject property, the Department of the Attorney General would be requested to file proceedings in accordance with Hawai‘i State Eminent Domain Law to ensure a fair and legal process.
- Ensure consistent treatment for owners and tenants of real property that is acquired for State of Hawai‘i, federal, and federally assisted highway and highway-related programs and projects.
- Promote public confidence in the State of Hawai‘i’s land acquisition practices and the agents in the Land Acquisition Section.

Publicly Owned Property Transfer or Acquisition Process

The HDOT right-of-way process guides State and County property transfers and the HDOT Right-of-Way Branch facilitates the land acquisition. Transfers of land jurisdiction from County to State would be facilitated by the HDOT Highways Division. And as set forth in the HDOT Right-of-Way Manual, there is no cost for the transfer of State land. With the exception of lands owned by the State of Hawai‘i

11 Scheuer, Jonathan L. and Isaki, Bianca K. 2021 Water and Power of West Maui. University of Hawai’i Press, Honolulu.

12 Wikipedia, “Tenant farmer,” last modified April 8, 2023, 22:18 (UTC), https://en.wikipedia.org/wiki/Tenant_farmer.

13 Wikipedia, “Landlocked parcel,” last modified May 25, 2023, 10:24 (UTC), https://en.wikipedia.org/wiki/Landlocked_parcel.

Department of Land and Natural Resources (DLNR), HDOT would not be required to seek approval from the DLNR Land Board. Based on coordination with HDOT, County-owned parcels are generally quitclaimed to the State at no cost; however, if there are encumbrances on title and the County would not obtain releases from the encumbrance holder, then the State would need to obtain the releases. If the State is only requesting a temporary acquisition, then generally the County would provide the State with a form agreement with indemnity language.

Property Acquisition Process for Kuleana Land

In addition to the procedures mandated by the Uniform Act, the HDOT right-of-way process provides extended title searches tracing land rights history. Additionally, the process provides considerations of kuleana land rights such as ensuring continued access, unless the State is acquiring the entire parcel with no remaining use.

There are five coterminous Tax Map Key (TMK) parcels with kuleana parcels in the project area (TABLE 3.4-1). Because of these synchronous termini, it is easy to consider the parcel kuleana only. However, acquisition procedures must occur for not just the kuleana interest, but also for the fee ownership of the TMK parcels. Therefore, for the purposes of this chapter, parcels with coterminous TMK and kuleana boundaries would be considered as both a TMK lot and a kuleana parcel.

TABLE 3.4-1. **Tax Map Keys with Corresponding Co-Terminus Kuleana Parcels**

TAX MAP KEY	KULEANA ID
48002049	5380
48002057	6408_5124
48002058	5380
48002059	6751
48002069	6079/6609

3.4.2 Methodology

Based on preliminary conceptual designs for the Build Alternatives, estimated limits of disturbance (including permanent BMPs) for each alternative were used to identify properties where land acquisition or easements would most likely be required for either the Project’s construction or operation (or both). GIS databases obtained from the State of Hawai‘i and the County of Maui were used to graphically identify potentially affected parcels and to obtain available parcel-level data.

This Final EIS includes the initial and typically most conservative identification of potential property acquisition for the Build Alternatives. The more refined Preferred Alternative, which is used as a basis for the final design, provides a better opportunity to clarify property acquisition limits and minimize property acquisition disturbance.

Typically, HDOT initiates the formal acquisition process upon receipt of the final right-of-way delineation, and formal acquisition proceedings begin after completion of the National Environmental Policy Act and Hawai‘i Environmental Policy Act reviews, before construction begins.

3.4.3 Affected Environment

The affected environment includes a mix of private and publicly owned lands.

In Olowalu, the Build Alternatives traverse an area mainly consisting of large private parcels within the Olowalu Subdivision. State of Hawaiʻi-owned lands associated with the existing highway right-of-way as well as lands to the north of the project area include natural reserve parcels that surround the private land in addition to the County of Maui's former landfill. Maui County owns land on either side of the Lahaina bypass at the northern-most end of the project area.

In Ukumehame, the private properties are centralized in the Ukumehame Subdivision, and there is a larger proportion of State- and County-owned land. Most notably this includes the County's beach parks at the south end of the project area and Ukumehame Firing Range. The County also owns land running alongside the existing highway and makai of the subdivision. The State owns property at the firing range (under the jurisdiction of the Hawaiʻi Department of Defense) as well as natural reserve lands that surround the subdivision (most notably, the area between Ukumehame and Olowalu).

3.4.4 Reasonably Foreseeable Effects

3.4.4.1 No Build Alternative

Under the No Build Alternative, the Project would not be built and would not have any acquisition impacts on residential or commercial properties. Because the existing highway would continue to be inundated by rising sea water and affected by coastal storms, emergency and long-term repairs could have temporary to permanent effects on adjacent properties to keep the highway operational.

3.4.4.2 Build Alternatives

As summarized below, the Build Alternatives in both Olowalu and Ukumehame would require property acquisition, including the acquisition of kuleana parcels.

Olowalu

TABLE 3.4-2 summarizes the properties that would require a more detailed evaluation for right-of-way acquisition or easements for the Build Alternatives. Lots where a Build Alternative may also affect an existing greenway easement are also identified. TABLE 3.4-3 summarizes the affected kuleana parcels in Olowalu.

Common to All Build Alternatives

The Olowalu Build Alternatives would affect the State of Hawaiʻi and County of Maui parcels at the north end of the project area, including the displacement and need to relocate the Maui County transfer station at the north end of the project area. Maui County has long considered relocation options for this facility to move it closer to the Lāhainā urban center, where most users originate. The Project would accelerate the need for relocation. The alternatives would also require acquisition and potential relocation of the agricultural uses at the north end of the Olowalu Subdivision. While the ultimate acquisition and relocation requirements will be negotiated once final design is completed, additional tables presented below provide initial estimates about the extent of the potential private land acquisition required for each parcel for each alternative.

TABLE 3.4-2. **Land Acquisition Parcels by Olowalu Build Alternative**

TAX MAP KEY	BUILD ALTERNATIVE 1 LAND ACQUISITIONS	BUILD ALTERNATIVE 2 LAND ACQUISITIONS	BUILD ALTERNATIVE 3 LAND ACQUISITIONS	BUILD ALTERNATIVE 4 LAND ACQUISITIONS	OWNER
47001030*	X	X	X	X	County
48003008	X	X	X	X	State
48003034	X				State
48003039	X	X	X	X	State
48003098	X			X	Private
48003099	X			X	Private
48003100	X	X	X	X	Private
48003101	X	X	X	X	Private
48003102	X	X			Private
48003103	X	X			Private
48003104	X	X**			Private
48003105	X	X**	X**		Private
48003106			X	X**	Private
48003107			X	X	Private
48003108		X	X	X	Private
48003109			X	X	Private
48003110			X	X	Private
48003111		X	X	X	Private
48003112	X	X**			Private
48003113	X	X**			Private
48003114	X	X**	X	X	Private
48003115	X	X	X	X	Private
48003116	X	X	X	X	Private
48003117			X	X	Private
48003118	X	X	X	X	Private
48003125	X	X	X	X	Private
Olowalu Total	**19**	**18**	**18**	**19**	
Private Total	**15**	**15**	**15**	**16**	
County Total	**1**	**1**	**1**	**1**	
State Total	**3**	**2**	**2**	**2**	

*This parcel is in the ahupua'a of Launiupoko.

**Build Alternative affects greenway easement portion of these parcels.

TABLE 3.4-3. **Land Commission Awards by Olowalu Build Alternative**

LAND COMMISSION AWARD NUMBER	BUILD ALTERNATIVE 1	BUILD ALTERNATIVE 2	BUILD ALTERNATIVE 3	BUILD ALTERNATIVE 4
1742		X	X	
3772				X
4376	X	X	X	X
5113			X	
6058			X	
8573			X	X
9906		X	X	X
10128	X	X		
10128			X	X
5829E	X	X		
5829F			X	
TOTAL	3	5	8	5

Build Alternative 1

There are 19 TMK parcels that would be affected: 15 privately owned TMK parcels, one County-owned parcel, and three State-owned parcels (FIGURE 3.4-1). There would be three kuleana parcels affected (FIGURE 3.4-2). In addition to the common elements above, Build Alternative 1 would require a partial acquisition or a redistribution of space on the same parcel of an existing storage yard facility for the Mauna Kahālāwai Watershed Partnership. This is not considered an adverse effect because there are other areas within the same lot to reposition the facility. Build Alternative 1 would also overlap a small portion of the existing highway right-of-way, changing the traffic patterns but within land already under HDOT jurisdiction.

TABLE 3.4-4 provides information on the 15 privately owned parcels and three Kuleana parcels affected by Build Alternative 1. This includes the lot area and percentage of the total lot area required for the alignment and a preliminary assessment of the level of acquisition that could be required. Ultimately, the evaluation of the level of acquisition required (marginal, partial, or full as well as easement or fee title acquisition) would be undertaken by HDOT Right-of-Way at the time of final design during the design-build phase. This initial assessment is subject to refinement and determination of factors such as how the affected parcel can retain property uses (that is, sufficient size of the remaining parcel and ensuring continued access to the affected parcel). Nearly all the affected parcels require less than 50% lot area, suggesting only a partial acquisition would be required.

Based on the Build Alternative 1 alignment, two tax parcels and one kuleana parcel would likely require full acquisition regardless of the lot area coverage. This includes the privately owned roadway makai of the landfill (already in use as part of the Lahaina recovery efforts) as well as an undeveloped parcel of the Olowalu subdivision that is linear in shape and would be traversed by the alignment. Two parcels are identified as Partial/Full because they would likely be a full acquisition unless there is a way to ensure continued access or use of the property. No residences would be displaced with Build Alternative 1.

FIGURE 3.4-1. **Olowalu Build Alternative 1: Affected Tax Map Key**

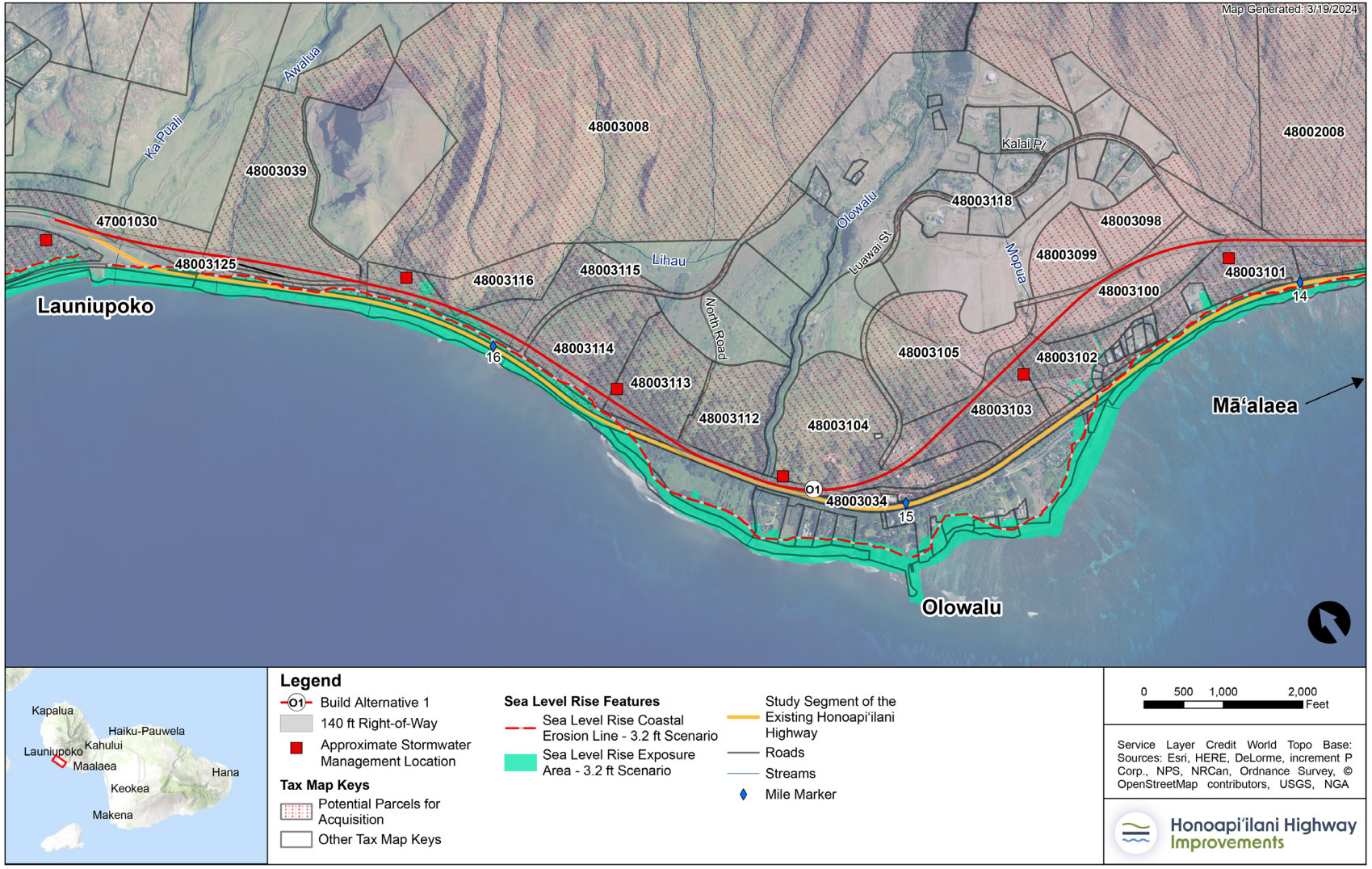

FIGURE 3.4-2. **Olowalu Build Alternative 1: Kuleana Parcels Affected**

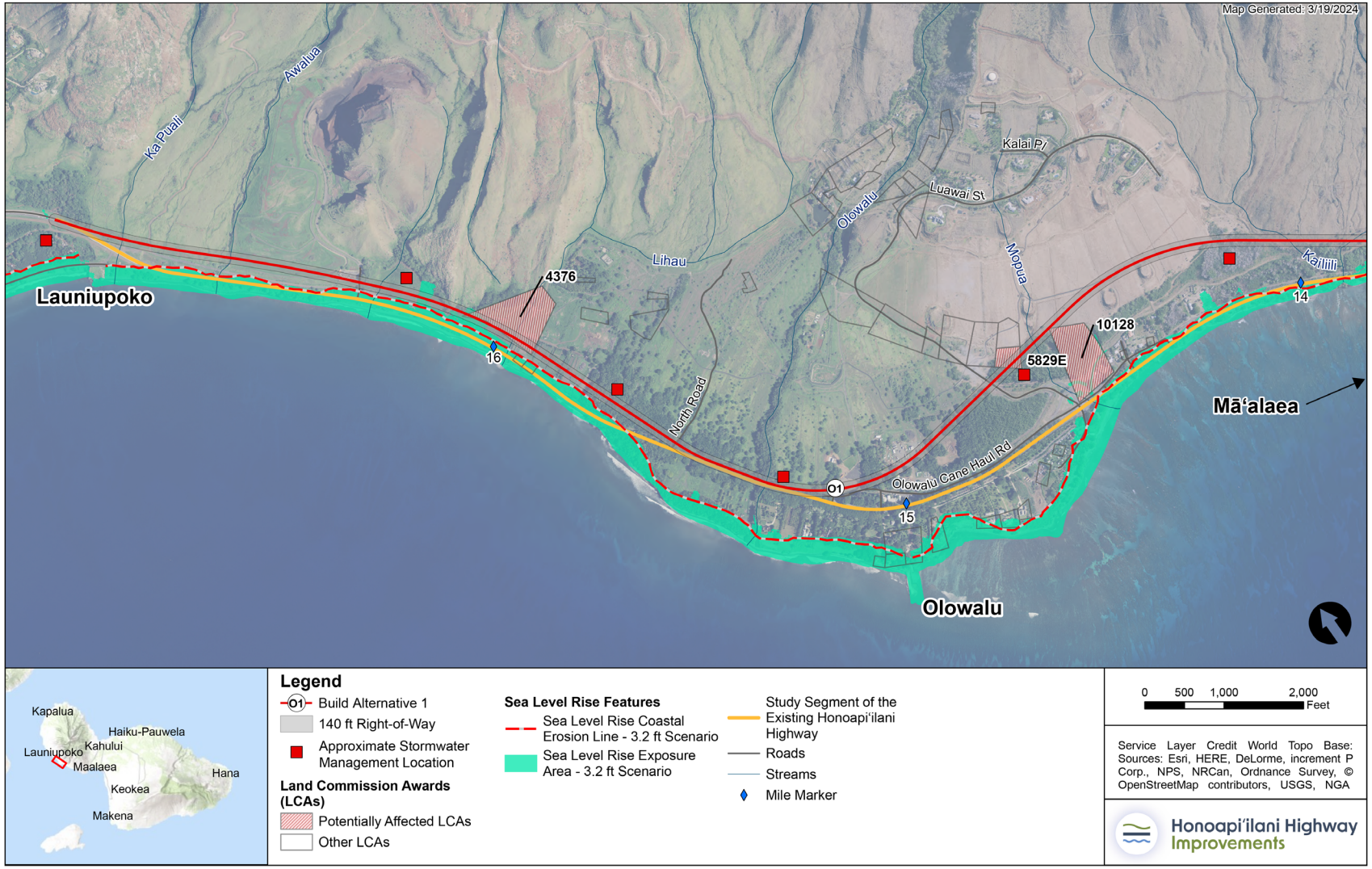

TABLE 3.4-4. **Olowalu Build Alternative 1 – Estimated Land Area for Private and Kuleana Parcels with Right-of-Way Acquisition**

	PARCEL SIZE (ACRES)	AREA OF ACQUISITION (ACRES)	PERCENT OF LOT AREA	PRELIMINARY INDICATION OF FULL OR PARTIAL ACQUISITION	ON SITE USES
PRIVATE TAX PARCELS					
48003098	15.03	0.19	1.2%	Partial	No active uses
48003099	15.58	0.27	1.7%	Partial	No active uses
48003100	27.11	9.19	33.9%	Full	No active uses
48003101	29.38	5.42	18.5%	Partial	No active uses
48003102	16.88	2.25	13.3%	Partial	No active uses
48003103	27.80	9.74	35.0%	Partial	No active uses
48003104	50.30	4.59	9.1%	Partial	Storage yard, Greenway Trail (not affected)
48003105	40.73	0.26	0.6%	Partial	Greenway Trail (not affected)
48003112	24.61	1.01	4.1%	Partial	Greenway Trail
48003113	25.21	4.46	17.7%	Partial	No active uses, Awalua Cemetery (not affected)
48003114	28.84	5.62	19.5%	Partial/Full	Active agriculture, commercial use
48003115	26.18	9.51	36.3%	Partial/Full	Active agriculture
48003116	16.04	1.04	6.5%	Partial	No active uses
48003118	42.71	5.03	11.8%	Partial	Private subdivision streets (built and unbuilt) crossed by Alternative
48003125	2.28	1.31	57.5%	Full	Private road in front of landfill
KULEANA PARCELS					
4376	9.05	1.79	19.8%	Partial	Overlaps with agricultural uses on TMKs 4800-3115,-3114
10128/makai	8.75	0.09	1.0%	Marginal	Includes several lots in Kapāiki Place/Old Village Road area (not affected)
5829E	1.66	0.70	42.2%	Full	No active uses

Build Alternative 2

There are 18 parcels that would be affected: 15 privately owned TMK parcels, one County-owned parcel, and two State-owned parcels (FIGURE 3.4-3). Build Alternative 2 would also affect five kuleana parcels (FIGURE 3.4-4).

From about Luawai Street northward to the edge of the agricultural uses on lots 4800-3014 and 3015, Build Alternative 2 touches or crosses small portions of the easement areas associated with the subdivision's greenway along the mauka border of lots 4800-3104, 3012, 3013, and 3014 as well the central portion of lot 48003105. Based on current property records (as of February 2024), these parcels (including sub parcels established on a condominium basis) are all owned by entities of the subdivision developer. The establishment and maintenance of the subdivision's approximately 60-acre greenway was a condition of the original 2000 Special Management Area (SMA) permit issued in September 2000. The alignment would cross the partially built-out multiuse path, which would require relocation or realignment if it were to remain a continuous pathway (and would require an amendment to the SMA permit or be part of a new SMA permit associated with the Project that would be obtained during the design-build process).

TABLE 3.4-5 provides information on the 15 privately owned parcels; the five kuleana parcels; and the level of potential land acquisition, the lot area required, and an initial preliminary assessment of the property acquisition being full or partial. Similar to Build Alternative 1, the majority of the parcels affected would have less than 50% coverage area, suggesting only a partial acquisition would be required. For Build Alternative 2, the full and partial/full takings match Build Alternative 1 and no residences would be displaced.

Build Alternative 3

There are 18 parcels that would be affected: 15 privately owned TMK parcels, one County-owned parcel, and two State-owned parcels (FIGURE 3.4-5). Build Alternative 3 would also affect eight kuleana parcels (FIGURE 3.4-6).

Build Alternative 3 would cross a privately owned 16-acre parcel (lot 48003106) that contains a residence. The new highway right-of-way would be mauka of the residence and the Parcel B property boundaries. Therefore, it would not be directly affected but would be further evaluated and negotiated during a future right-of-way acquisition process.

South of Luawai Street, Build Alternative 3 crosses land area of the subdivision greenway along the central portion of lot 48003105. Based on current property records (as of February 2024), this parcel (including sub parcels established on a condominium basis) is owned by entities of the subdivision developer. This would require realignment, a grade-separated crossing, or a discontinuous multiuse path (and would require an amendment to the SMA permit or be part of a new SMA permit associated with the Project that would be obtained during the design-build process).

As summarized in TABLE 3.4-6, most of the affected lots in Build Alternative 3 have less than 50% lot coverage. Based on the alignment's position on the parcel and the overall lot area required, three tax parcels and 1 kuleana parcel are anticipated to require full acquisition.

FIGURE 3.4-3. **Olowalu Build Alternative 2: Affected Tax Map Key**

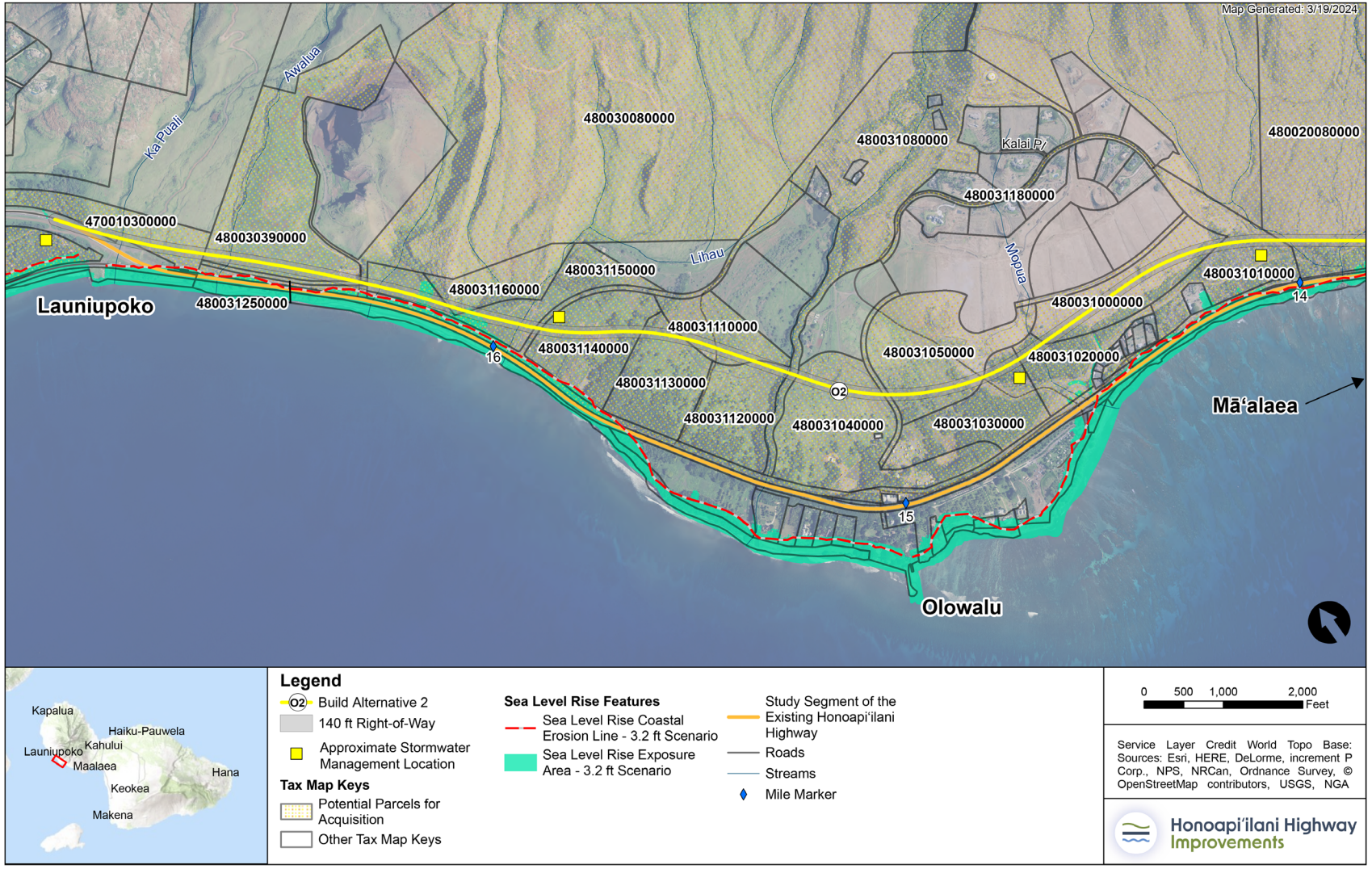

FIGURE 3.4-4. **Olowalu Build Alternative 2: Kuleana Parcels Affected**



TABLE 3.4-5. **Olowalu Build Alternative 2 – Estimated Land Area for Private and Kuleana Parcels with Right-of-Way Acquisition**

	PARCEL SIZE (ACRES)	AREA OF ACQUISITION (ACRES)	PERCENT OF LOT AREA	PRELIMINARY INDICATION OF FULL OR PARTIAL ACQUISITION	ON-SITE USES
PRIVATE TAX PARCELS					
48003100	27.11	10.15	37.4%	Full	No active uses
48003101	29.38	4.25	14.5%	Partial	No active uses
48003102	16.88	2.13	12.6%	Partial	No active uses
48003103	27.80	3.38	12.2%	Partial	No active uses, Greenway Trail
48003104	50.30	4.77	9.5%	Partial	Storage Yard (not affected) and Greenway Trail
48003105	40.73	5.16	12.7%	Partial	No active uses, Greenway Trail
48003108	81.05	0.72	0.9%	Marginal	Olowalu Stream and Cultural Reserve
48003111	16.58	4.36	26.3%	Partial	No active uses, Greenway Trail
48003112	24.61	1.27	5.2%	Partial	No active uses
48003113	25.21	2.26	9.0%	Partial	Commercial use (Maui Paintball)
48003114	28.84	6.36	22.1%	Partial/Full	Active agriculture
48003115	26.18	9.32	35.6%	Partial/Full	Active agriculture
48003116	16.04	1.47	9.1%	Partial	No active uses
48003118	42.71	0.59	1.4%	Partial	Private subdivision streets (built and unbuilt) crossed by alternative
48003125	2.28	1.31	57.5	Full	Private road in front of landfill
KULEANA PARCELS					
1742	3.65	0.003	0.1%	Marginal	No active uses
4376	9.05	2.68	29.6%	Partial/Full	Overlaps with agricultural uses on TMKs 4800-3115,-3114
9906	2.61	0.68	26.0%	Partial/Full	No active uses
10128/makai	8.75	0.78	8.9%	Partial	No active uses
5829E	1.66	0.70	56.9%	Full	No active uses

FIGURE 3.4-5. **Olowalu Build Alternative 3: Affected Tax Map Key**

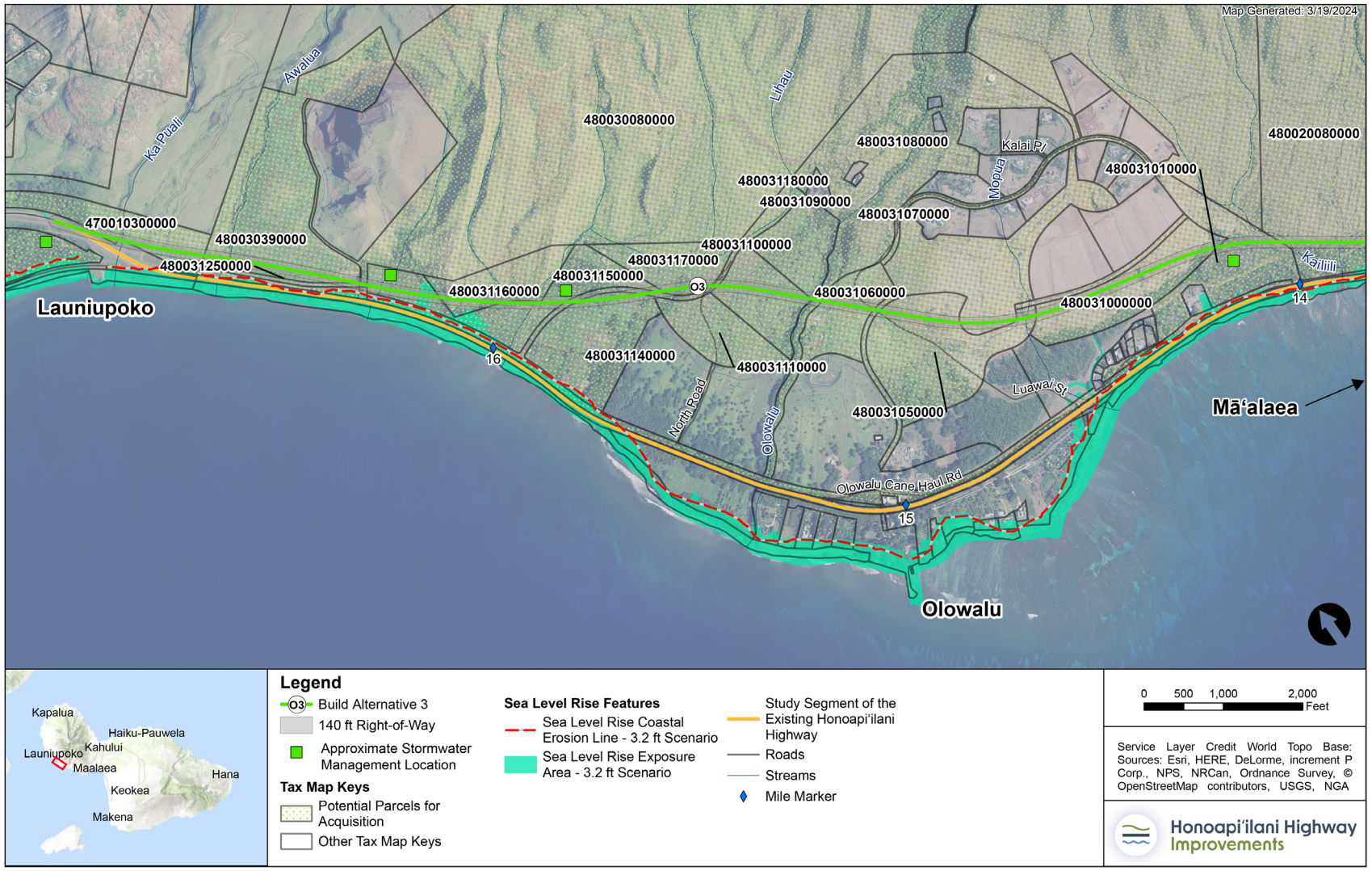

FIGURE 3.4-6. **Olowalu Build Alternative 3: Kuleana Parcels Affected**



TABLE 3.4-6. **Olowalu Build Alternative 3 – Estimated Land Area for Private and Kuleana Parcels with Right-of-Way Acquisition**

	PARCEL SIZE (ACRES)	AREA OF ACQUISITION (ACRES)	PERCENT OF LOT AREA	PRELIMINARY INDICATION OF FULL OR PARTIAL ACQUISITION	ON-SITE USES
PRIVATE TAX PARCELS					
48003100	27.11	7.95	29.3%	Full	No active uses
48003101	29.38	5.35	18.2%	Partial	No active uses
48003105	40.73	5.53	13.6%	Partial	No active uses, Greenway Trail
48003106	16.68	2.94	17.6%	Partial/Full	One residence on Parcel B (not directly affected), access roads
48003107	41.14	3.00	7.3%	Partial	No active uses, Greenway Trail
48003108	81.05	0.53	0.7%	Partial	Olowalu Stream and Cultural Reserve
48003109	16.17	0.33	2.1%	Partial	No active uses
48003110	17.22	4.97	28.6%	Full	No active uses
48003111	16.58	0.10	0.6%	Partial	No active uses
48003114	28.84	2.95	10.2%	Partial/Full	Active agriculture
48003115	26.18	9.30	35.5%	Partial/Full	Active agriculture
48003116	16.04	4.19	26.1%	Partial	No active uses
48003117	15.59	2.40	15.4%	Partial	No active uses
48003118	42.71	4.26	10.0%	Partial	Private subdivision streets (built and unbuilt) crossed by alternative
48003125	2.28	1.31	57.5%	Full	Private road in front of landfill
KULEANA PARCELS					
1742	3.65	0.38	10.6%	Partial	No active uses
4376	9.05	1.93	21.4%	Partial	Overlaps with agricultural uses on TMKs 4800-3115,-3114
5113	4.24	0.90	21.1%	Partial	No active uses
6058	1.85	0.31	17.0%	Partial	No active uses
8573	0.55	0.37	66.8%	Full	No Active uses
9906	2.61	0.22	8.3%	Partial	No active uses
10128/mauka	6.58	2.23	33.8%	Partial/Full	No active uses, includes portions of Luawai Street
5829F	4.77	0.68	14.2%	Partial	No active uses, includes portions of Luawai Street

Build Alternative 4

There are 19 parcels that would be affected: 16 privately owned TMK parcels, one County-owned parcel, and two State-owned parcels (FIGURE 3.4-7). Build Alternative 4 would also affect five kuleana parcels (FIGURE 3.4-8),

As indicated in TABLE 3.4-7, Build Alternative 4 has the same (but slightly mauka) alignment as Build Alternative 3, resulting in a similar but slightly more mauka alignment outside the Lot 48003106/Parcel B boundary, which has one residence. As with the other Build Alternatives, most of the affected parcels have alignment coverage of less than 50%, suggesting only a partial acquisition would be required. Overall, there are three tax parcels and no kuleana parcels that would likely require a full acquisition.

South of Luawai Street, Build Alternative 4 crosses directly through parcel 48003107, including a small area of the subdivision greenway at the south end of the parcel. Based on current property records (as of February 2024), this parcel is owned by three entities separate from the original subdivision developer. This would require realignment, a grade-separated crossing, or a discontinuous multiuse path (and would require an amendment to the SMA permit or be part of a new SMA permit associated with the Project that will be obtained during the design-build process).

FIGURE 3.4-7. **Olowalu Build Alternative 4: Affected Tax Map Key**

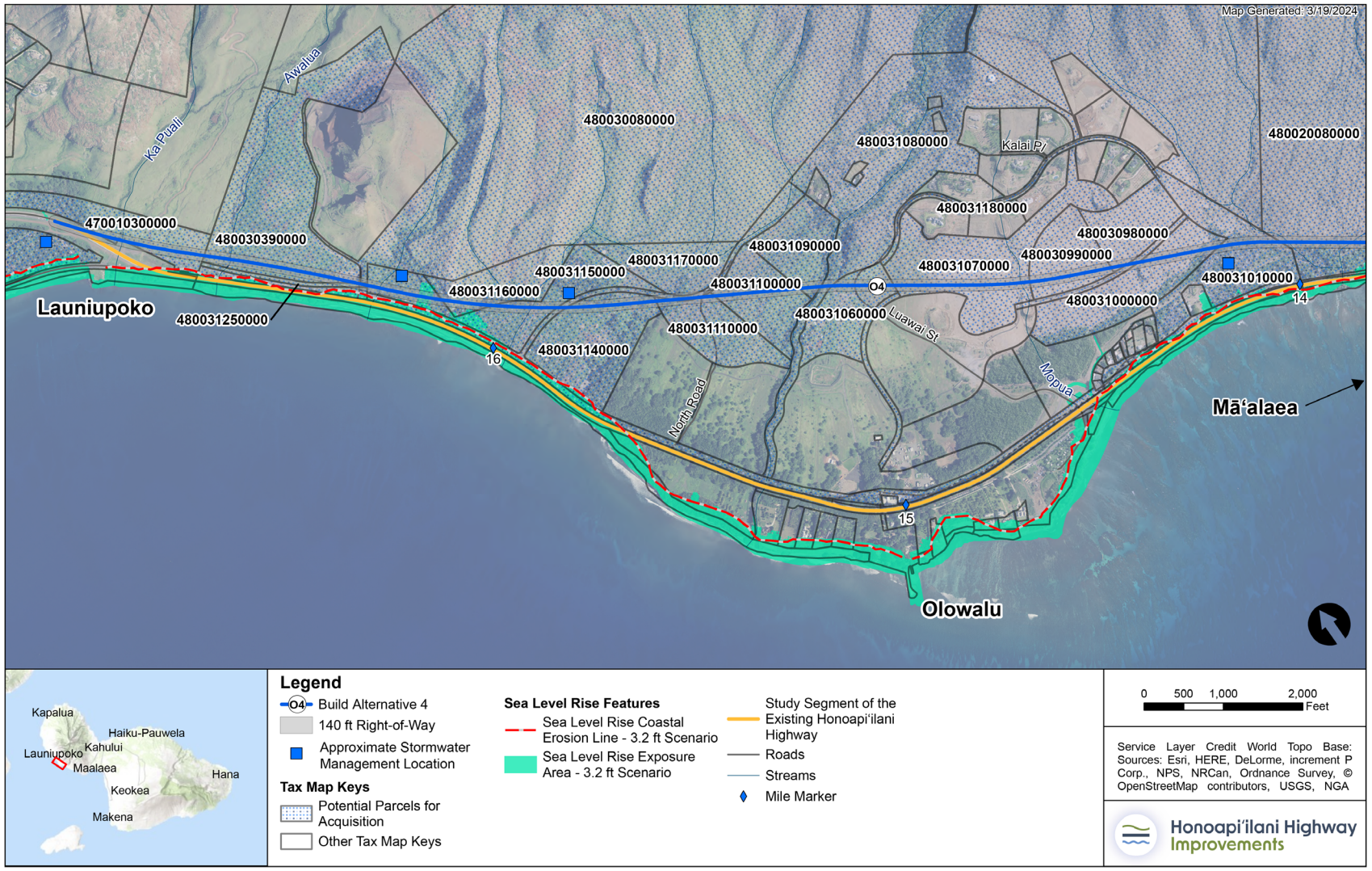

FIGURE 3.4-8. **Olowalu Build Alternative 4: Kuleana Parcels Affected**



TABLE 3.4-7. **Olowalu Build Alternative 4 – Estimated Land Area for Private and Kuleana Parcels with Right-of-Way Acquisition**

	PARCEL SIZE (ACRES)	AREA OF ACQUISITION (ACRES)	PERCENT OF LOT AREA	PRELIMINARY INDICATION OF FULL OR PARTIAL ACQUISITION	ON-SITE USES
PRIVATE TAX PARCELS					
48003098	15.03	0.81	5.4%	Partial	No active uses
48003099	15.58	4.28	27.5%	Partial	No active uses
48003100	27.11	4.02	14.8%	Partial	No active uses
48003101	29.38	6.01	20.5%	Partial	No active uses
48003106	16.68	3.38	20.3%	Full	One residence with potential relocation
48003107	41.14	7.41	18.0%	Partial	No active uses, Greenway Trail
48003108	81.05	0.72	0.9%	Partial	Olowalu Stream and Cultural Reserve
48003109	16.17	1.22	7.5%	Partial	No active uses
48003110	17.22	4.54	26.4%	Full	No active uses
48003111	16.58	1.76	10.6%	Partial	No active uses
48003114	28.84	4.68	16.2%	Partial/Full	Active agriculture
48003115	26.18	10.75	41.1%	Partial/Full	Active agriculture
48003116	16.04	3.35	20.9%	Partial	No active uses
48003117	15.59	0.61	3.9%	Partial	No active uses
48003118	42.71	2.59	6.1%	Partial	Private subdivision streets (built and unbuilt) crossed by alternative
48003125	2.28	1.31	57.5%	Full	Private road in front of landfill
KULEANA PARCELS					
3772	1.00	0.13	12.7%	Partial	No active uses
4376	9.05	2.28	25.0%	Partial	No active uses
8573	0.55	0.23	41.4%	Partial/Full	No active uses
9906	2.61	0.35	13.2%	Partial	No active uses
10128/mauka	6.58	1.08	16.4%	Partial	No active uses, includes portions of Luawai Street

Ukumehame

TABLE 3.4-8 summarizes the number of properties that would require some level of evaluation for right-of-way acquisition or easements for the Build Alternatives. TABLE 3.4-9 summarizes the affected kuleana parcels in Ukumehame.

TABLE 3.4-8. **Land Acquisition Parcels by Ukumehame Build Alternative**

TAX MAP KEY	BUILD ALTERNATIVE 1 LAND ACQUISITIONS	BUILD ALTERNATIVE 2 LAND ACQUISITIONS	BUILD ALTERNATIVE 3 LAND ACQUISITIONS	BUILD ALTERNATIVE 4 LAND ACQUISITIONS	OWNER
48001001	X	X	X	X	State
48001003	X	X	X	X	State
48002002	X	X	X	X	State
48002008	X	X	X	X	State
48002041		X	X	X	County
48002042	X	X	X	X	State
48002045	X	X	X	X	State
48002046	X	X	X	X	County
48002047	X	X	X	X	State
48002049				X	County
48002057	X	X	X		County
48002058	X	X	X		County
48002059	X	X	X	X	County
48002068	X	X	X		County
48002069		X	X		County
48002070	X	X	X	X	County
48002071	X	X	X		County
48002075				X	Private
48002090				X	Private
48002091				X	Private
48002092				X	Private
48002094				X	Private
48002095				X	Private
48002096				X	Private
48002098				X	Private
48002107				X	Private
48002108				X	Private
48002109				X	Private
48002110				X	Private
48002111				X	Private

TAX MAP KEY	BUILD ALTERNATIVE 1 LAND ACQUISITIONS	BUILD ALTERNATIVE 2 LAND ACQUISITIONS	BUILD ALTERNATIVE 3 LAND ACQUISITIONS	BUILD ALTERNATIVE 4 LAND ACQUISITIONS	OWNER
48002112				X	Private
48002113				X	Private
48002114	X				Private
48002115	X				Private
48002116				X	Private
48002117				X	Private
48002118				X	Private
48002120				X	Private
48002121	X			X	Private
48002125		X	X		Private
Ukumehame Total	17	17	17	32	
Private Total	*3*	*1*	*1*	*20*	
County Total	*7*	*9*	*9*	*5*	
State Total	*7*	*7*	*7*	*7*	

TABLE 3.4-9. **Land Commission Awards by Ukumehame Build Alternative**

LAND COMMISSION AWARD NUMBER	BUILD ALTERNATIVE 1	BUILD ALTERNATIVE 2	BUILD ALTERNATIVE 3	BUILD ALTERNATIVE 4
5380	X	X	X	
5380				X
6751	X	X	X	X
6758				X
7779				X
8559	X	X	X	X
8559				X
3702_5410	X	X	X	X
6079/6609		X	X	
6408_5124	X	X	X	
TOTAL	5	6	6	7

Common to All Build Alternatives

All Ukumehame Build Alternatives have a common alignment through the State-owned parcel between Ukumehame and Olowalu. The Build Alternatives would also cross State- and County-owned lands in the area of the Ukumehame Firing Range and at the Pali connection at the southern terminus of the project area (although as shown in the figures below, there are different alignments through these parcels) and none of the Build Alternatives would displace the existing use of the firing range. While the ultimate acquisition and relocation requirements will be negotiated once final design is completed,

additional tables presented below provide initial estimates about the extent of the potential private land acquisition required for each parcel for each alternative.

As discussed in Section 3.5, Parklands and Recreational Facilities/Beach Access, the DLNR has jurisdiction over two large parcels (TMK 48002008 and TMK 48002002) that will require right-of-way acquisition.

Build Alternative 1

There are 17 TMK parcels that would be affected: three privately owned TMK parcels, seven County-owned parcels, and seven State-owned parcels (FIGURE 3.4-9). There would be five kuleana parcels affected (FIGURE 3.4-10).

The preliminary estimate of land acquisition requirements on three privately owned tax parcels and five kuleana parcels are summarized in TABLE 3.4-10. While all these parcels would have alignment lot coverage considerably below 50%, one parcel (48002115) which has an active sod farm (El Toro Soysia Turf - Maui Grass Farm) would likely require full acquisition based on alignment bisecting the site. The other parcels would likely require a partial acquisition.

Build Alternative 1 crosses a County-owned parcel (48002068) with a residence on it, which is associated with the adjacent kuleana parcel (6408-5124 and its co-terminus County-owned tax parcel 48002057). The new highway right-of-way would be makai of the residence itself and, using the process described above, would require assessment and evaluation to determine if the parcel can be a partial acquisition—leaving the residential use intact (and/or potentially relocated on a more mauka portion of parcel 48002057)—or a full acquisition with relocation of the residence. This would require identifying and creating new access into the property, most likely from Pōhaku 'Aeko Street. This Final EIS assumes this displacement, which would be negotiated through the right-of-way acquisition process.

Build Alternatives 2 and 3

There are 17 parcels that would be affected: one privately owned TMK parcel, seven County-owned parcels, and nine State-owned parcels (FIGURE 3.4-11). Build Alternative 2 would also affect six kuleana parcels (FIGURE 3.4-12).

As summarized in TABLE 3.4-11, no parcels would have more than 20% of their overall lot area affected and all would be considered a partial acquisition.

Build Alternatives 2 and 3 would have the same potential displacement of the residence on tax parcel 48002068.

FIGURE 3.4-9. **Ukumehame Build Alternative 1: Affected Tax Map Key**

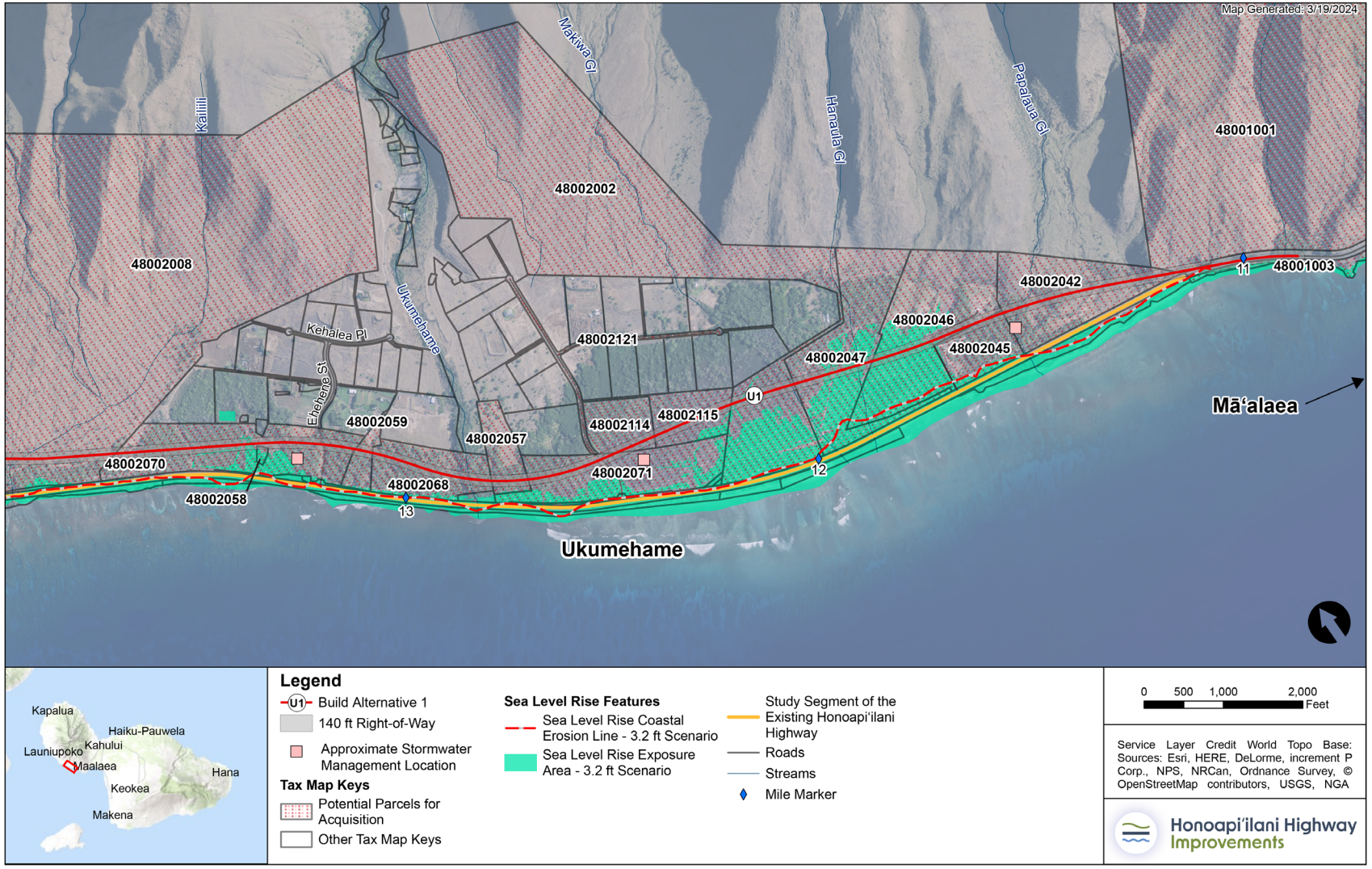

FIGURE 3.4-10. **Ukumehame Build Alternative 1: Kuleana Parcels Affected**

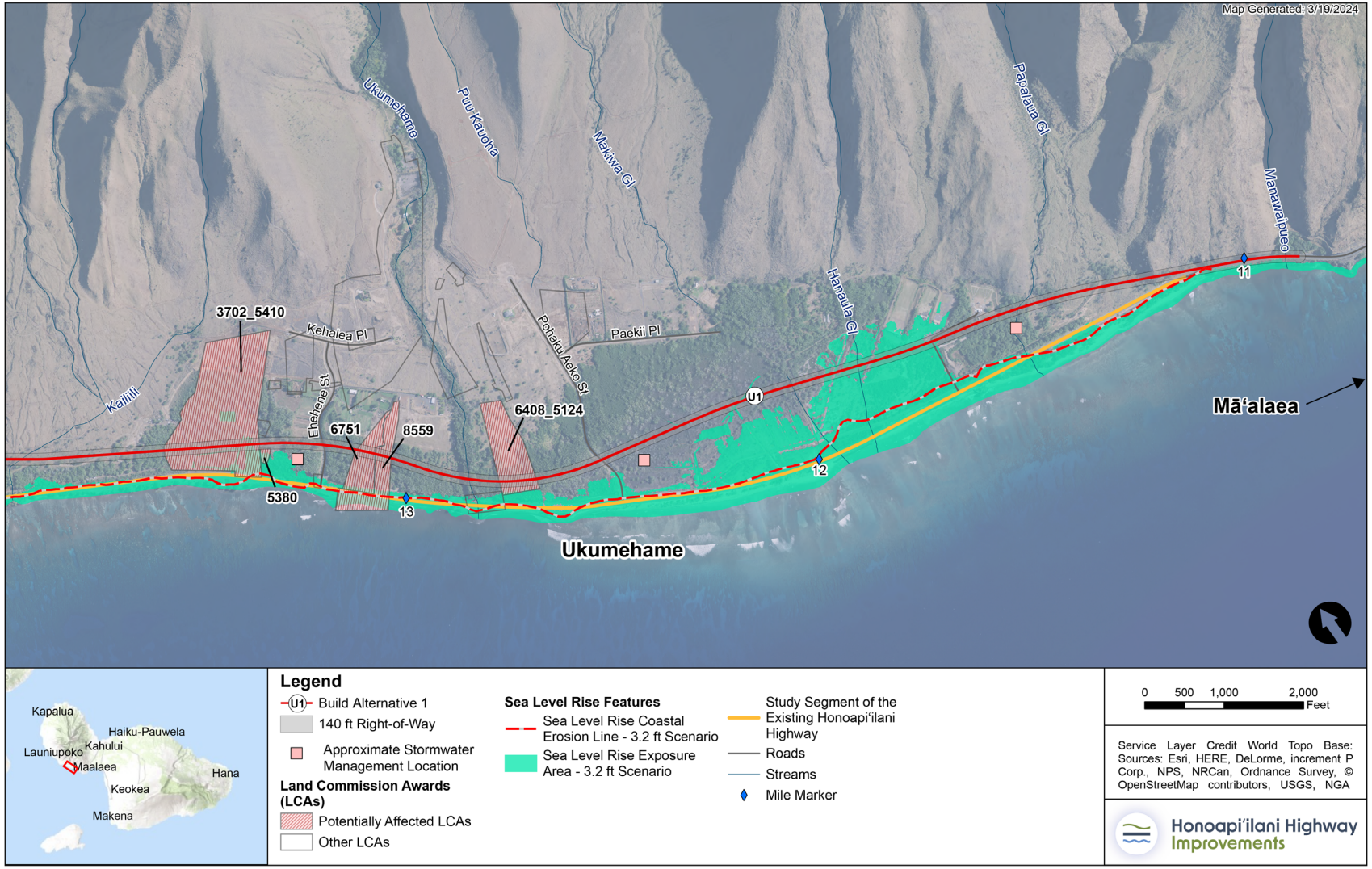

TABLE 3.4-10. **Ukumehame Build Alternative 1 – Estimated Land Area for Private and Kuleana Parcels with Right-of-Way Acquisition**

	PARCEL SIZE (ACRES)	AREA OF ACQUISITION (ACRES)	PERCENT OF LOT AREA	PRELIMINARY INDICATION OF FULL OR PARTIAL ACQUISITION	ON-SITE USES
PRIVATE TAX PARCELS					
48002114	11.00	2.45	22.3%	Partial/Full	No active uses
48002115	12.77	4.60	36.0%	Full	Agricultural use
48002121	5.16	0.06	1.1%	Partial	Private subdivision street that is crossed by alternative
KULEANA PARCELS					
5380/makai	0.43	0.04	10.0%	Partial	No active uses
6751	4.87	0.72	14.7%	Partial	No active uses
8559	7.09	0.64	9.0%	Partial	No active uses
3702-5410	32.8	3.60	11.0%	Partial	No active uses
6408-5124	9.36	1.42	15.1%	Partial	Agricultural use/cultural practices

FIGURE 3.4-11. **Ukumehame Build Alternatives 2 and 3: Affected Tax Map**

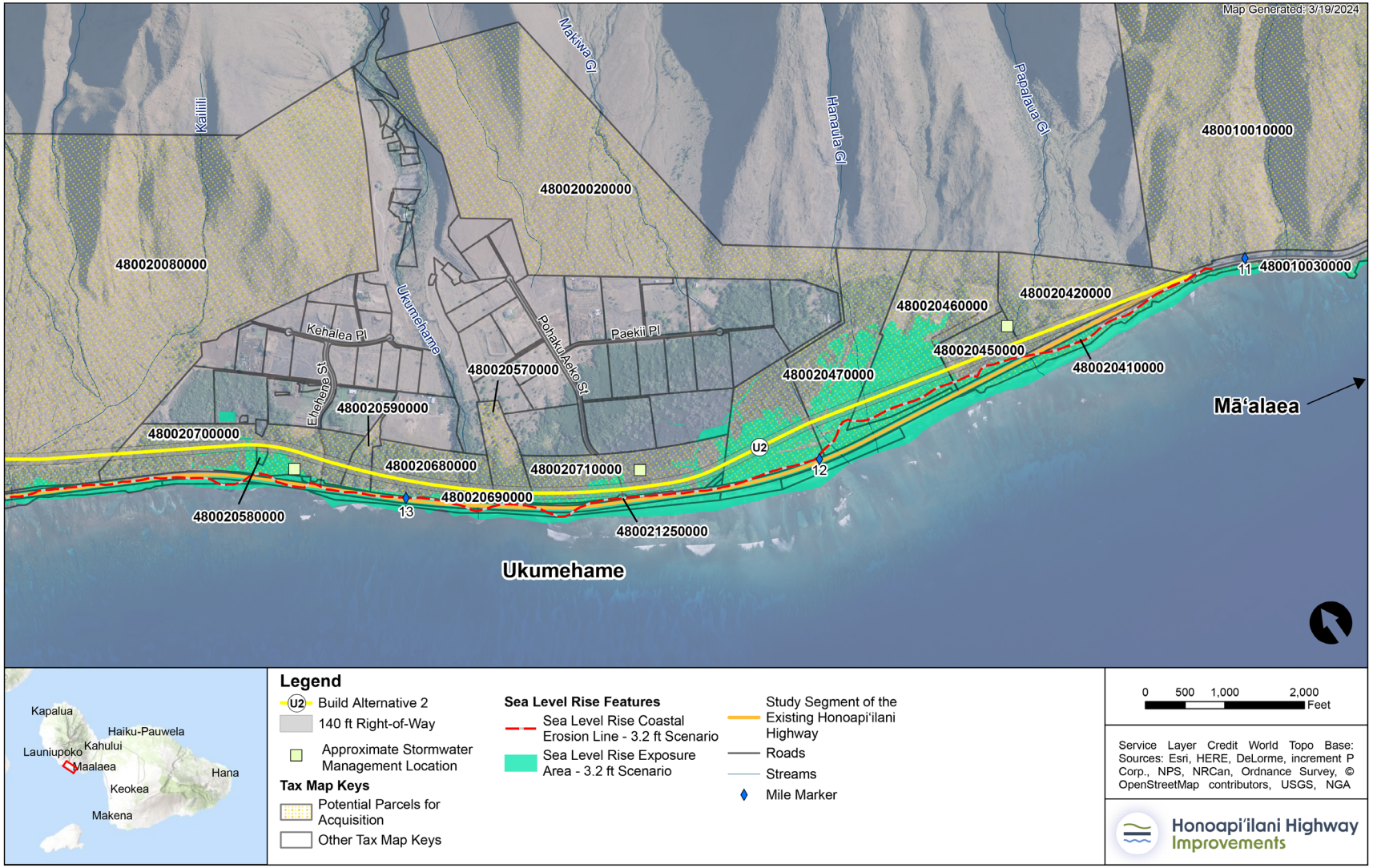

FIGURE 3.4-12. **Ukumehame Build Alternatives 2 and 3: Kuleana Parcels Affected**

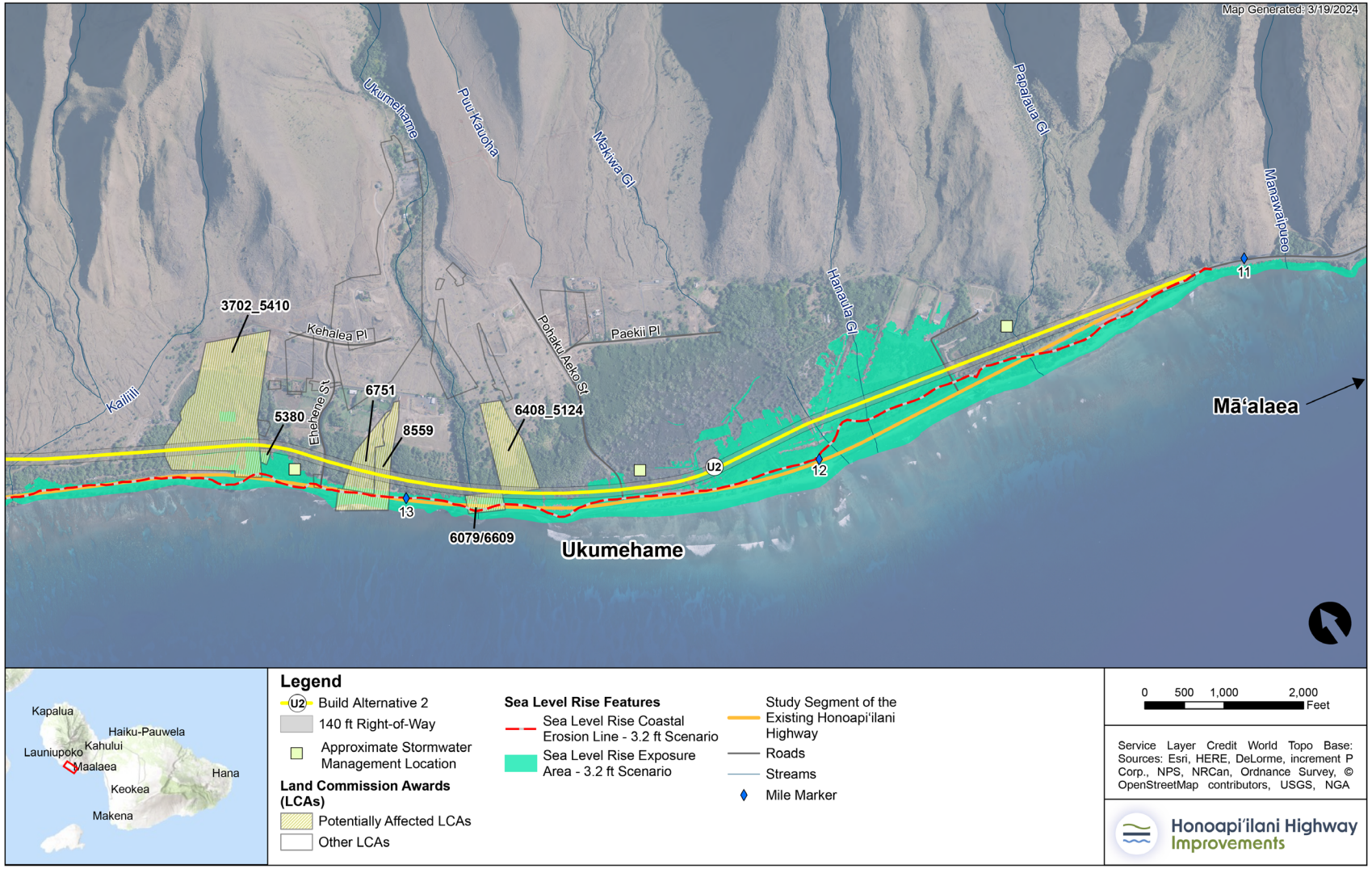

TABLE 3.4-11. **Ukumehame Build Alternatives 2 and 3 – Estimated Land Area for Private and Kuleana Parcels with Right-of-Way Acquisition**

	PARCEL SIZE (ACRES)	AREA OF ACQUISITION (ACRES)	PERCENT OF LOT AREA	PRELIMINARY INDICATION OF FULL OR PARTIAL ACQUISITION	ON SITE USES
PRIVATE TAX PARCELS					
48002125	0.43	0.07	15.6%	Partial	Private subdivision street
KULEANA PARCELS					
5380/makai	0.43	0.12	27.8%	Partial	No active uses
6751	4.87	0.97	19.9%%	Partial	No active uses
8559	7.09	0.61	8.6%	Partial	No active uses
3702-5410	32.8	3.60	11.0%	Partial	No active uses
6079/6609	2.20	0.41	18.8%	Partial	No active uses
6408-5124	9.36	0.63	6.7%	Partial	Agricultural use/cultural practices

Build Alternative 4

For Build Alternative 4, 32 parcels would be affected: 20 privately owned TMK parcels, five County-owned parcels, and seven State-owned parcels (FIGURE 3.4-13). Build Alternative 4 would also affect seven kuleana parcels (FIGURE 3.4-14). Build Alternative 4 would also result in the full or partial acquisition and displacement of two residences in construction or recently completed as well as two existing sod farm businesses. If relocation is required for these residences or businesses, relocation assistance would be provided pursuant to the Federal Uniform Relocation Act.

As summarized in TABLE 3.4-12, most of these parcels have less than 50% lot coverage, suggesting only a partial acquisition would be required. However, compared to the other Build Alternatives, this alignment traverses several unbuilt lots of the Ukumehame subdivision as well as the subdivision street providing access to several of these lots. For these reasons, the viability of the remaining lot areas would be less certain and have been classified as “Partial/Full”—even with lower lot coverage requirements.

FIGURE 3.4-13. **Ukumehame Build Alternative 4: Affected Tax Map Key**

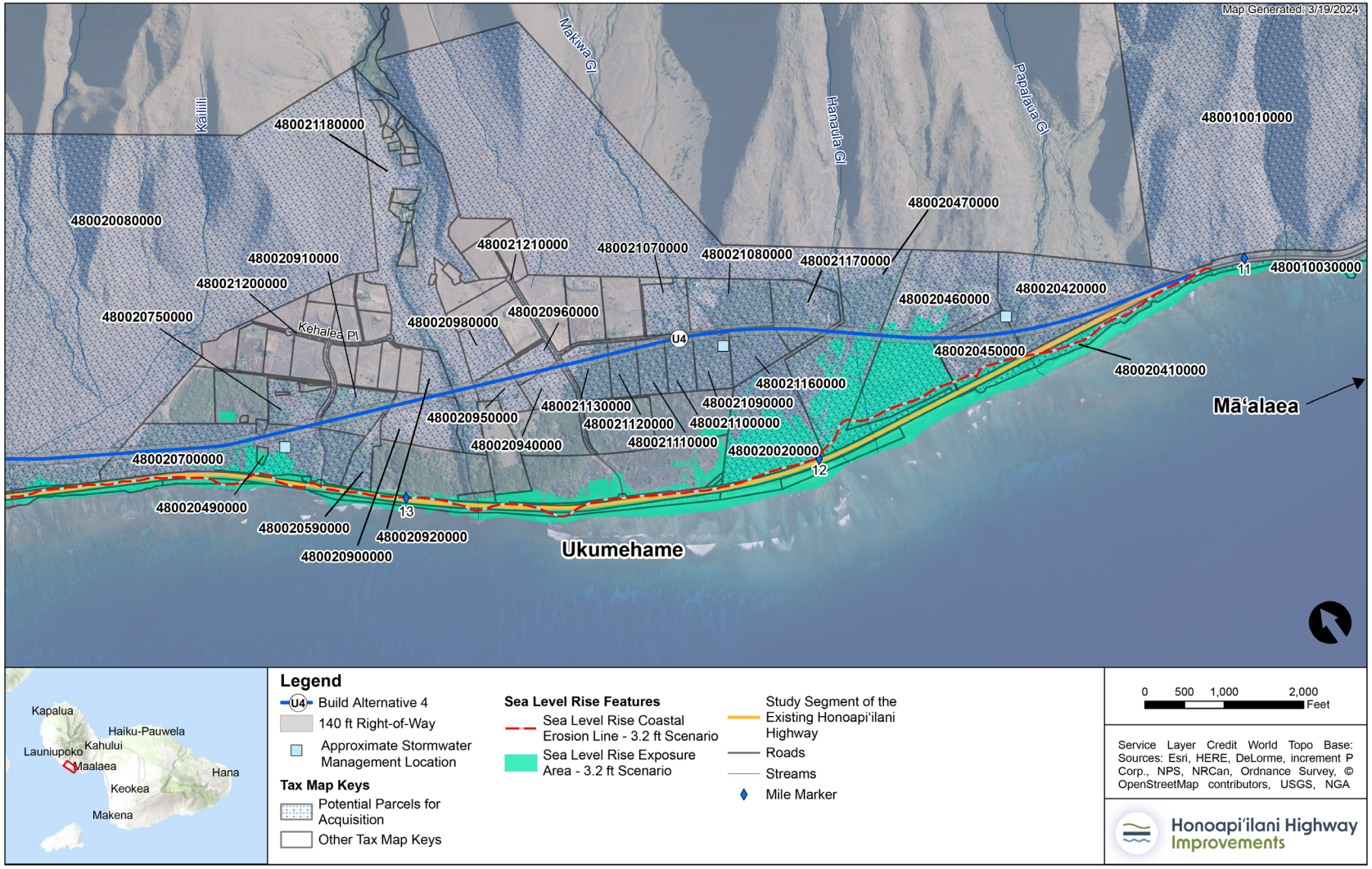

FIGURE 3.4-14. **Ukumehame Build Alternative 4: Kuleana Parcels Affected**

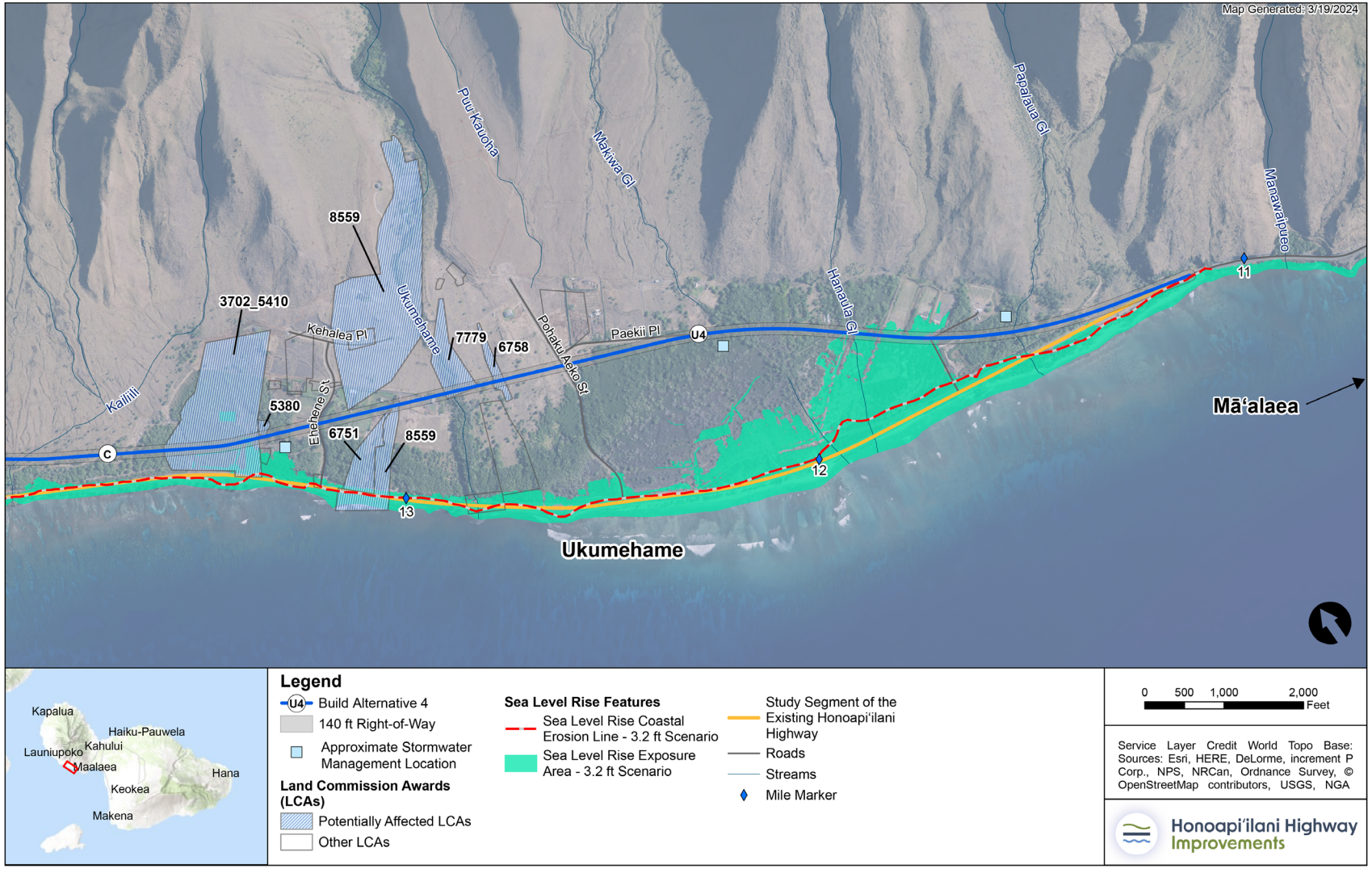

TABLE 3.4-12. **Ukumehame Build Alternative 4 – Estimated Land Area for Private and Kuleana Parcels with Right-of-Way Acquisition**

	PARCEL SIZE (ACRES)	AREA OF ACQUISITION (ACRES)	PERCENT OF LOT AREA	PRELIMINARY INDICATION OF FULL OR PARTIAL ACQUISITION	ON SITE USES
PRIVATE TAX PARCELS					
48002075	7.15	0.87	12.2%	Partial	Active agriculture
48002090	3.88	1.01	25.9%	Partial	Active agriculture
48002091	7.99	3.82	47.9%	Full	Active agriculture
48002092	12.27	2.57	20.9%	Partial	No active uses
48002094	5.37	0.71	13.3%	Full	One residence
48002095	5.39	2.04	37.7%	Partial/Full	No active uses
48002096	3.56	1.80	50.5%	Full	One residence
48002098	7.25	0.18	2.5%	Partial	No active uses
48002107	7.41	0.44	6.0%	Partial/Full	No active uses (would need new access)
48002108	13.28	1.83	13.8%	Partial	One residence (if required), would need new access
48002109	6.36	0.78	12.3%	Partial/Full	No active uses (would need new access)
48002110	5.00	0.86	17.2%	Partial/Full	No active uses (would need new access)
48002111	5.00	1.19	23.9%	Partial/Full	No active uses (would need new access)
48002112	5.00	1.52	30.3%	Partial/Full	No active uses (would need new access)
48002113	6.60	2.48	37.6%	Partial/Full	Storage yard (would need new access)
48002116	7.34	1.31	17.9%	Partial/Full	No active uses (would need new access)
48002117	11.74	2.95	25.1%	Full	No active uses (would need new access)
48002118	55.64	1.23	2.2%	Partial	Ukumehame Stream crossing
48002120	3.03	0.25	8.1%	Partial	Private subdivision street crossed by alternative
48002121	5.16	1.36	26.4%	Partial	Private subdivision crossed by alternative
KULEANA PARCELS					
5380/mauka	0.48	0.12	25.0%	Partial/Full	No active uses

	PARCEL SIZE (ACRES)	AREA OF ACQUISITION (ACRES)	PERCENT OF LOT AREA	PRELIMINARY INDICATION OF FULL OR PARTIAL ACQUISITION	ON SITE USES
6751	4.87	0.03	0.6%	Marginal	No active uses
6758	2.0	0.41	20.6%	Partial	No active uses
7779	6.20	0.97	15.6%	Partial	No active uses
8559 (makai)	7.09	0.22	3.1%	Partial	No active uses
3702-5410	32.8	3.62	11.0%	Partial	No active uses

3.4.5 Construction Effects

Additional parcels in the project area may need to be utilized for construction staging; however, until the design of the Preferred Alternative is further along, the construction staging areas cannot be fully determined. For construction, however, the use of such properties would be temporary and not likely to require permanent land acquisition.

3.4.6 Reasonably Foreseeable Indirect Effects

Because the acquisition of property associated with the Project would be limited to parcels required to accommodate the Project, there would be no indirect effects.

3.4.7 Mitigation

The land acquisition requirements, including the realignment of the multiuse path, would be refined for the Selected Alternative as part of the final design established through the design build process.[14] HDOT and the Federal Highway Administration would comply with the requirements of the Uniform Standards of Professional Appraisal Practice and the Uniform Act. If parcels need to be acquired to complete a project—including those with existing greenway easements—the Uniform Act protects the rights of property owners and tenants of the property without discrimination. It also ensures that individuals do not suffer disproportionate injuries because of programs and projects designed for the benefit of the public and minimizes the hardship of displacements.

The State acquisition process would require ensuring that the original Olowalu or Ukumehame Subdivision conditions of approval that may be modified or eliminated by the Project (that is, relocation or elimination of portions of the Olowalu greenway) are amended or superseded by the State action, providing tax parcel owners relief from conditions that are no longer applicable or achievable. In addition, because implementation and maintenance of the greenway was a condition of the Olowalu subdivision’s 2000 SMA, the relocation, realignment, or elimination of portions of the greenway would require an amendment to original SMA or be part of a future SMA permit specific to the Project that will be obtained during the design-build process.

Additionally, HDOT must comply with the Hawai‘i State Eminent Domain Law, which establishes the public purpose and acquisitions procedures for private property acquisition by the State of Hawai‘i. In complying with the law, the individuals affected by land acquisition would have a transparent process to follow and a full understanding of their rights to just compensation.

3.4.8 Build Alternatives Comparative Assessment

As summarized in TABLE 3.4-13, the potential number of affected properties in Olowalu ranges from 22 total affected parcels (Build Alternative 1) to 26 (Build Alternative 3). Build Alternatives 1, 2, and 3

[14] As described in Chapter 5, Selected Alternative, the Selected Alternative incorporates a shared-use path that would replace the existing subdivision greenway.

affect 15 private parcels, compared with 16 private parcels for Build Alternative 4. Build Alternatives 3 and 4 have the potential to displace one residence if full acquisition is required.

TABLE 3.4-13. **Summary Comparison of Land Acquisition Parcels by Build Alternative in Olowalu**

	BUILD ALTERNATIVE 1	BUILD ALTERNATIVE 2	BUILD ALTERNATIVE 3	BUILD ALTERNATIVE 4
Olowalu	22	23	26	24
Private TMK Parcels	15	15	15	16
Private TMK Parcels with Greenway Easements	0	5	1	1
County TMK Parcels*	1	1	1	1
State TMK Parcels	3	2	2	2
Kuleana Parcels	3	5	8	5
Potential Residential Displacement	0	0	1**	1**
Potential Agricultural Displacement	2**	1**	1**	1**

* This parcel is in the ahupua'a of Launiupoko.

** Overall property is affected by alternative but may not require relocation of the residence or agricultural use and would be determined during the right-of-way acquisition process.

TABLE 3.4-14 shows the potential number of affected properties in Ukumehame, with a greater range of potential effect: between 22 parcels (Build Alternative 1) and 39 parcels (Build Alternative 4). Ukumehame Build Alternative 4 includes up to 20 private-parcel acquisitions compared with one private-parcel acquisition for Build Alternatives 2 and 3, and three private-parcel acquisitions with Build Alternative 1. Build Alternative 1 and Build Alternatives 2 and 3 have the potential to displace one residence if full acquisition is required.

TABLE 3.4-14. **Summary Comparison of Land Acquisition Parcels by Build Alternative in Ukumehame**

	BUILD ALTERNATIVE 1	BUILD ALTERNATIVES 2 AND 3	BUILD ALTERNATIVE 4
Ukumehame	22	23	39
Private TMK Parcels	3	1	20
County TMK Parcels	7	9	5
State TMK Parcels	7	7	7
Kuleana Parcels	5	6	7
Potential Residential Displacement	1**	1**	0
Potential Agricultural Displacement	1	0	2**

* This parcel is in the ahupua'a of Launiupoko.

** Overall property is affected by alternative but may not require relocation of the residence or agricultural use and would be determined during the right-of-way acquisition process.