

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

September 23, 2022

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

Maui County 2023

Annual Renewal of Revocable Permits on the Islands of the County of Maui. See Exhibit 2 for the list of Revocable Permits.

HRS CHAPTER 343 – ENVIRONMENTAL ASSESSMENT:

In accordance with the Exemption List for the Department of Land and Natural Resources, approved by the Environmental Council on November 10, 2020, the subject action 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 negligible or no expansion or change of use beyond that previously existing.” See **Exhibit 1** attached.

BACKGROUND:

At the end of each calendar year, Land Division reviews its list of current revocable permits issued statewide and determines which ones to recommend to the Board of Land and Natural Resources (Board) for renewal for the upcoming year. Generally, those revocable permits in good standing will be recommended for renewal, unless the Board has approved a different disposition for the land covered by a particular permit.

In the past, staff brought all revocable permits to the Board for renewal in one submittal. At its meeting on December 11, 2015, under Agenda Item D-14, as amended, the Board directed staff to submit revocable permit renewals by county over four meetings, with an explanation of why a revocable permit is the appropriate disposition and how the rent was set. At its meeting on June 24, 2016, under Agenda Item D-7, the Board further approved the recommendations of the Department of Land and Natural Resources Revocable Permit Task Force, as amended, requesting all divisions notate any non-compliance issues and pending litigation in the renewal submittal. In accordance with these directives, staff is submitting the Maui revocable permits, including the additional information the Board requested.

REMARKS:

The list of revocable permits for Maui that staff recommends be renewed for 2023 is attached as **Exhibit 2**. Included in the exhibit are the revocable permit number, permittee names, tax map keys, land trust status, original commencement date of the permit, character of use, land area, annual rent, method by which staff set the rent and the rationale behind the issuance of a revocable permit. Another version of this table is attached as **Exhibit 3** and highlights changes to the comments on the permits that have occurred since the last Board action on the approval of Maui revocable permits on October 22, 2021, under agenda Item D-4. A general location map of the revocable permits to be renewed is attached as **Exhibit 4**.

2017-2018

At its meeting on October 27, 2017, under agenda item D-3, the Board approved interim rents for the annual renewal of the revocable permits on Maui for calendar year 2018. Staff procured a contract with James Hallstrom of The Hallstrom Group/CBRE, Inc. (Appraiser) for appraisal services to assist in valuing the rent to charge for the use of State lands underlying revocable permits statewide as of January 1, 2018, and ground rent discounts for tenancy and use restriction, if any, for 15 of the 74 Maui revocable permits active at the time. The Portfolio Appraisal Report (PAR) was completed on May 9, 2018.

2019

The Appraiser recommended increasing 2019's rents by 2-3%, depending upon demand for the properties, over those indicated in the PAR. Staff thereafter recommended setting the 2019 Maui revocable permit annual rents by the following categories:

- Category A: Revocable permits (RPs) valued by the PAR indicating an increase in the annual rent. Staff recommended increasing the 2018 Indicated Annual Market Rent by 10% for 2019.
- Category B: RPs valued by the PAR indicating a decrease in the annual rent. Staff recommended increasing the annual rent by 3% over the PAR's Indicated Annual Market Rent.
- Category C: RPs not valued by the PAR: Staff recommended increasing the 2019 annual rent by 3% over 2018's annual rent.
- Category D: RPs where the PAR's Indicated Annual Market Rent increased by less than 10% over 2018's annual rent. Staff recommended a 3% increase.
- Category E: For special cases, regardless of whether included in the PAR or otherwise. Staff's recommendations for this category were discussed

further in Exhibit 2, attached to the 2018 submittal (i.e. 12/14/18 BLNR, item D1, Ex. 2).

With respect to the revocable permits in Category A, the Indicated Annual Market Rents from the PAR increased or decreased from a low of -21% to a high of 269%. Staff felt that immediately implementing the rent increases in full would cause some permittees to cancel their permits, resulting not only in the loss of revenue, but also forcing the Division to expend resources to maintain these lands. Staff viewed the 10% annual increases for these permits as a means for the Division to achieve rents closer to market over a short period of time, without causing a major disruption to the occupancy of and revenue generated from these lands.

2020

For 2020, staff continued efforts to bring RP rents in line with market rates, or to rents following the Board's minimum rent policy where applicable. Thus, based upon Appraiser's 2018 opinion that the escalation factor would be 2-3% over PAR per year, staff recommended increasing 2020 rents by 3-10% over the 2019 rents, or when applicable, staff followed the minimum rent policy of at least \$480 per year. Staff has segregated the RPs into the following types to set annual RP rents for 2020:

- Type 1: Where the RP was valued by PAR and the rent has since been brought to market rates, the 2020 rent was increased by 3% over the 2019 rent.
- Type 2: Where the RP was valued by PAR, but the rent remained below market rates, the rent was increased by 3-10% over the 2019 rents, with the anticipation that rents would continue to increase per annum, until market rents are achieved. Some RPs warranted increases larger than 10% and those were designated as Type 5 RPs (special circumstances).
- Type 3: Where the RP was not valued by PAR and the 2019 rent was under \$480 per annum, the 2020 rent was increased to \$480 per annum per the Board's minimum rent policy. If permittee was a government entity, no rent was to be charged.
- Type 4: Where the RP was not valued by PAR and the RP rent was already at or exceeded the minimum rent policy of \$480 per annum, the 2020 rent was increased by 3% over the 2019 rent.
- Type 5: RPs in this category involved special circumstances and did not fit within Types 1-4 above. They were discussed individually in Exhibit 2 of the prior Board action (i.e., Board action of September 27, 2019, Item D-1, Ex 2).

2021

Staff recommended no rent increases for 2021 due to the economic downturn associated with the COVID-19 pandemic but anticipated recommending increases in future years and therefore retained the “Type” classification in Exhibit 2 attached to the Board submittal of October 9, 2020, under agenda Item D-3.

2022

Staff continued efforts to bring RP rents in line with market rates. Thus, based upon Appraiser’s 2018 opinion that the escalation factor would be 2- 3% over PAR per year, staff recommended increasing 2022 rents by 3-10% over the 2021 rents.

- Type 1: Where the RP was valued by PAR and the rent has since been brought to market rates, the 2022 rent was increased by 3% over the 2021 rent.
- Type 2: Where the RP was valued by PAR, but the rent remained below market rates, the 2022 rent was increased by 10% - 20% over the 2021 rents, with the anticipation that rents would continue to increase per annum, until market rents are achieved.
- Type 3: RPs issued to government agencies where the rent is gratis.
- Type 4: RPs in this category involved special circumstances and did not fit within Types 1-3 above.

2023

For 2023, staff continues efforts to bring RP rents in line with market rates. Thus, based upon Appraiser’s 2018 opinion that the escalation factor would be 2- 3% over PAR per year, staff recommended increasing 2023 rents by 3-10% over the 2022 rents.

- Type 1: Where the RP was valued by PAR and the rent has since been brought to market rates, the 2023 rent was increased by 3% over the 2022 rent.
- Type 2: Where the RP was valued by PAR, but the rent remained below market rates, the 2023 rent was increased by 10% - 20% over the 2022 rents, with the anticipation that rents would continue to increase per annum, until market rents are achieved.
- Type 3: RPs issued to government agencies where the rent is gratis.

- Type 4: RPs in this category involved special circumstances and did not fit within Types 1-3 above. They are discussed individually in **Exhibit 2** attached.

Regarding Type 4 related properties, the DLNR Maui District Land Office (MDLO) has reviewed rent and recommends that rent for the permits listed in the table directly below remain at the 2022 rate.

The recommendation to maintain existing rent at the 2022 rate is because these parcels are challenged by existing constraints that limit the economic potential of the property. Constraints include being landlocked, small and odd sizes, remote location, lack of nearby standard county infrastructure (water, road, utilities), steep topography and other physical characteristics that limit full use of the property. Given these constraints, if existing tenants were to abandon the permitted areas due to increased costs, it will be difficult to either replace the tenant with an authorized user or to manage the property as unencumbered lands rendering these areas susceptible to unauthorized uses, trespassing, and dumping.

<u>RP #</u>	<u>Permittee</u>	<u>Area (acres)</u>	<u>TMK#</u>	<u>Existing Annual Rent</u>	<u>Recommended Type 4 Annual Rent</u>	<u>Use</u>	<u>Remarks</u>
RP 6121	Kahakuloa Protestant Church	0.33	(2) 3-1-004:005	\$515.04	\$515.04	Community center purposes	Infrastructure improvements needed. Convert to long-term lease
RP 7513	Day, Joseph J	0.85	(2) 1-1-006:038	\$480	\$480	General Agriculture (taro loi)	Landlocked, remote area
RP 7526	Cambra, Jr., Louis G.	18.37	(2) 2-3-008:026	\$480	\$480	Pasture	Landlocked, steep topography, remote area
RP 7534	Dunn, Leslie A.	0.35	(2) 3-1-005:028	\$480	\$480	General Agriculture (taro loi)	Landlocked, remote area

<u>RP #</u>	<u>Permittee</u>	<u>Area (acres)</u>	<u>TMK#</u>	<u>Existing Annual Rent</u>	<u>Recommended Type 4 Annual Rent</u>	<u>Use</u>	<u>Remarks</u>
RP 7568	Latham, William	0.67	(2) 1-1-003:092	\$571.92	\$571.92	General Agriculture (taro loi)	Landlocked, remote area
RP 7755	Martin, Jr., Norman D.	0.56	(2) 1-1-006:041, 043	\$480	\$480	General Agriculture (taro loi)	Landlocked, remote area
RP 7819	Vellina, Felix and Roxanne	0.82	(2) 3-1-004:092, 095, 097	\$555.96	\$555.96	Intensive agriculture (taro loi)	Landlocked, remote area
RP 7822	Redo, Valentine	1.53	(2) 1-1-004:006	\$555.96	\$555.96	Intensive agriculture (taro loi)	Landlocked, remote area
RP 7846	Scott, Lurlyn	5	(2) 2-9-001:018	\$540	\$540	Intensive agriculture	Landlocked, remote, steep topo.

The following State and County of Maui agencies were consulted on this action with the results indicated:

Agency:	Comment:
Division of Forestry and Wildlife (DOFAW)	No response by suspense date.
Office of Conservation and Coastal Lands	Responded, no objections.
State Parks	Responded, no comment
Historic Preservation	No response by suspense date.
Engineering	No response by suspense date.
Maui District Land Office	See comments exhibit 2 & submittal
Commission on Water Resource Management	No response by suspense date.
Department of Hawaiian Home Lands (DHHL)	No response by suspense date.
Department of Agriculture (DOA)	No response by suspense date.
Office of Hawaiian Affairs	No response by suspense date.

Agency:	Comment:
County of Maui Planning Department	Responded, see Exhibit 5
Maui Department of Parks and Recreation	No response by suspense date.
Maui Department of Water Supply	No response by suspense date.

Since the last renewal of the Maui revocable permits on October 22, 2021, the following permits have either been cancelled or are in the process of cancellation before the end of calendar year 2022:

<u>RP #</u>	<u>Permittee</u>	<u>Area (acres)</u>	<u>TMK #</u>	<u>Monthly Rent</u>	<u>Cancelled On</u>	<u>Use</u>	<u>Remarks</u>
RP 7220	DLNR DOFAW	0.344	(2) 1-3-004:015	0		Storage	Per MDLO
RP 7479	HERTZ, MARY	6	(2) 2-1-005:122	\$305.99	9/1/2022	Agriculture	Defaulted
RP 7551	HERTZ, MARY	0.125	(2) 2-1-005:119	\$41.20	9/1/2022	Water tank site	Defaulted
RP 7545	BROWNE, ROAN & SUSAN	9.63	(2) 2-9-001:020	\$494.40	9/1/2022	Agriculture	Per MDLO
RP 7935	AOAO KULAKANE	300	(2) 4-3-006: seaward of 011	\$101.00	4/8/2022	Sheet pile erosion control	Sheet pile removed.

Regarding the comments submitted by the County of Maui Department of Planning (DP), staff apologizes to DP for the short turnaround time given on the requests for comments. This year's annual RP renewals are a little behind schedule and staff was hoping to avoid any further delays in bringing the renewals to the Board. In any event, only four new RPs were added to the Maui count since the solicitation for comments on last year's annual renewal.

DP raised a question about RP7935 listed in the table directly above, which related to an erosion control project. That project involved the repair of a seawall on private property, but the owner required the temporary placement of sheet pile on State submerged lands makai of the seawall while work on the project was performed. The sheet pile was removed and RP7935 canceled after work on the private seawall was completed.

DP additionally requested that RPs covering lands in the Special Management Area (SMA) or within the Sea Level Rise Exposure Area (SLRXA) be identified as such on Exhibit 2. In response to the request, Staff has included SMA and SLRXA notations where appropriate in the attached Exhibit 2.

DP questioned whether the terms and conditions in form RP document used by the Department require the permittee to coordinate with DP and satisfy its permitting requirements, where appropriate. The Department responds that the RP template used by the Department of the Attorney General includes a standard compliance with laws provision requiring the permittee to comply with the laws, rules and ordinances of all governmental authorities. DP expressed concern about maintenance of vegetation and the repair and maintenance of structures in the shoreline area. To the extent DP's concerns relate to lands in the conservation district, staff notes that the Office of Conservation and Coastal Lands (OCCL) already regulates such matters. OCCL's authority derives from its statutes and rules and not from the terms of conditions of RPs the Board issues. To the extent DP's concerns relate to lands outside of the conservation district but in the SMA or SLRXA, the standard compliance with laws provision in the State's RPs will require the permittees to comply with all laws, rules and ordinances of the County of Maui applicable to their permitted premises.

DP's comment letter expressed some concern about RP7484 issued to Yamada Pacific, Inc. in 2010, explaining that use of the oceanfront patio/lanai under this RP is anticipated to sunset this month. The Department is not aware of any County permitting authority that is expected to sunset. However, if the permittee will not be allowed to use the patio/lanai as the County suggests, then we would expect the permittee to contact us with a request to cancel the permit.

DP commented on another shoreline encroachment RP, RP7932 to the Association of Apartment Owners of Milowai-Maalaea. Similar to RP7935 discussed above, RP7932 allowed the permittee to temporarily maintain sandbags on State submerged lands so that permittee could repair a seawall. Once the seawall repairs were completed, the sandbags were removed. However, the permit will remain in place until the processing of the easement for the portion of the seawall on State lands is completed.

DP remarked that it supports the gratis issuance of RP7946 to Napili Bay & Beach Foundation Inc. because it facilitates public access to the shoreline. In contrast,

DP commented that RP7343 to Club Lanai Properties, LLC for a pier on the east side of Lanai does not appear to be consistent with public access mandates. However, staff notes that when the Board authorized the issuance of the RP for the pier in the 1980s, it required the applicant to provide an easement over its private land so the public could access the shoreline in this area. This easement was granted as the Board required. In any event, establishing vertical or perpendicular access from a public street to the shoreline is a County responsibility pursuant to Sections 46-6.5 and 205A-26, Hawaii Revised Statutes, while the State is responsible for maintaining lateral access along the shoreline.

Regarding RP7780 to Ruby & Sons Hospitality LLC, DP noted that the County, permittee, and the State have been in discussions regarding the use of this parcel. DP suggested that the rent charged for this RP may be below market in view of its desirable location. This RP was included in the 2018 portfolio appraisal the Department procured for Land Division RPs and rent has been increased to the amount determined by the report. Additionally, the permittee is only allowed to use 34 of the 85 parking stalls on this parcel for its commercial operations on the adjacent hotel site leased from the State. It is required to maintain the other 51 parking spaces for public use.

RECOMMENDATION: That the Board:

1. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, Hawaii Revised Statutes and Chapter 11-200.1, Hawaii Administration Rules, 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. Approve the continuation of the revocable permits listed in **Exhibit 2** and at the rents set forth in such exhibit on a month-to-month basis effective January 1, 2023 for another one-year period through December 31, 2023, except for permits that are in arrears of rental payment for more than 60 days and/or have been approved for forfeiture by a separate Board action. Permits in arrears of rental for 60 days or more and/or approved by the Board for forfeiture shall not be renewed, and;

3. Reserve and delegate to the Chairperson the right and authority at any time to review and adjust the rental charges for any of the revocable permits listed in **Exhibit 2** any time from and after January 1, 2023, where such adjustments will best serve the interests of the State.

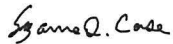
Respectfully Submitted,



Sep 12, 2022

Michael Ferreira, Land Agent V

APPROVED FOR SUBMITTAL:



Sep 13, 2022

Suzanne D. Case, Chairperson *RT*

EXEMPTION NOTIFICATION

Regarding the preparation of an environmental assessment pursuant to Chapter 343, HRS and Chapter 11-200.1, HAR

Project Title: Annual Renewal of Revocable Permits on the Islands of Maui County.

Project / Reference No.: Not applicable

Project Location: Various locations on the Islands of Maui County.

Project Description: Renew existing revocable permits for a term of one year.

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

Exemption Class No.: In accordance with HAR § 11-200.1-15 and the Exemption List for the Department of Land and Natural Resources, approved by the Environmental Council on November 10, 2020, the subject request for issuance for right-of-entry 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 negligible or no expansion or change of use beyond that previously existing." Part 1, Item 45: Permits, licenses, registrations and rights of entry issued by the Department that are routine in nature, involving negligible impacts beyond that previously existing. The annual renewal of existing revocable permits on State lands involves the continuation of existing uses on the lands. No change in use is authorized by the renewal.

Cumulative Impact of Planned Successive Actions in Same Place Significant? No, the requested locations have been used for same uses since the permits were granted.

Action May Have Significant Impact on Particularly Sensitive Environment? No. There are no particularly sensitive environmental issues involved with the proposed use of the property.

Analysis: The request pertains to renewing the revocable permits for the Islands of Maui County. Staff believes that the request would involve negligible or no expansion or change in use of the subject location beyond that previously existing.

Consulted Parties Agencies listed in submittal.

Recommendation: That the Board find 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.

EXHIBIT 1

Doc No.	Type	Permittee Name	TMK	Land Trust Status	Permit From	Char of Use	Permit Area	2022 Annual Rent	Proposed 2023 Rent	2018 Indicated Annual Market Rent(2018)	Comments re rent amount and why no long-term disposition
rp5405	4	MANA KAI APT OWNERS ASSN.	(2) 3-9-004:001-0000 (por) KIHEI Located in SMA and SLRXA	5(b)	5/27/1977	Landscaping and maintenance.	0.298	\$ 1,398.84	\$ 1,440.84	1,280.00	<ul style="list-style-type: none"> •2022 rent was increased by 3% over 2021. Staff recommends increasing rent 3% for 2023 over 2022 rent. •Permittee using only a portion of the parcel for landscaping. The permit stipulates that the public shall have full and unrestricted use of the permit area, and permittee will install such signs as are deemed necessary by the Maui District Land Agent to confirm that premises are open to the public. The plan is to set aside parcel 001 to the County of Maui.
rp5710	4	WĀIAKOA HOMEOWNERS ASSOCIATION	(2) 2-2-009:070-0000 KULA	5(b)	8/1/1979	Right, privilege and authority to construct, reconstruct use and maintain easement areas for water tank and pipeline.	0	\$ 494.40	\$ 509.28		<ul style="list-style-type: none"> •2022 rent was increased by 3% over 2021. Staff recommends increasing rent 3% for 2023 over 2022 rent. •The permit is supposed to be converted to an easement. Applicant's engineer's drawings were not detailed enough for Survey Div. MDLO to investigate and follow up.
rp5900	4	KEAWAKAPU HOMEOWNERS ASSN.	(2) 3-9-004:140-0000 KIHEI Located in SMA	5(b)	6/1/1980	Landscaping	0.338	\$ 494.40	\$ 509.28		<ul style="list-style-type: none"> • 2022 rent was increased 3% over 2021 rent.. Staff recommends increasing rent 3% for 2023 over 2022 rent. •Permittee using only a portion of the parcel for landscaping & maintenance. Land has prime street frontage. Staff is considering a set aside to the County of Maui to include into plans for increased parking across the street to access Keawekapu beach.
rp6047	4	DURO, TRAV	(2) 4-5-13:2-A; 26-A LAHAINA Located in SMA and SLRXA	5(b)	9/16/1983	Main-tenance of existing seawall and boat ramp.	0.008	\$ 494.40	\$ 509.28		<ul style="list-style-type: none"> •2022 rent was increased by 3% over 2021. Staff recommends increasing rent 3% for 2023 over 2022 rent. •Staff to seek approval to convert rp to an easement.

Doc No.	Type	Permittee Name	TMK	Land Trust Status	Permit From	Char of Use	Permit Area	2022 Annual Rent	Proposed 2023 Rent	2018 Indicated Annual Market Rent(2018)	Comments re rent amount and why no long-term disposition
rp6121	4	KAHAKULOA PROTESTANT CHURCH	(2) 3-1-004:005-0000 WAILUKU Located in SMA	5(b)	4/1/1984	Community related activities.	0.33	\$ 530.52	\$ 530.52		• 2022 rent remained the same as 2021 rent. MDLO recommended no increase in rent again for 2023 due to existing constraints that limit the economic potential of the property. •Staff will cancel RP and recommend a direct lease to a different 501 (c)(3) to rehabilitate the building. Staff will instruct the permittee to apply for an exemption from CDUP because only a sliver of land with no active use is in the conservation district. The majority of the parcel is located within a rural district.
rp6648	4	CARTER, CHARLES G.	(2) 3-1-4:101,104, 106 WAILUKU	5(b)	8/1/1989	General agriculture.	1.094	\$ 494.40	\$ 509.28		•2022 rent was increased by 3% over 2021. Staff recommends increasing rent 3% for 2023 over 2022 rent. •Parcels are either landlocked, or economically unsuitable due to size and shape. Staff to conduct a site visit to confirm the uses and if structures authorized.
rp6766	4	LOOMIS, JAMES C.	(2) 2-9-003:040-0000 HAIKU Located in SMA	5(b)	6/1/1991	General agriculture.	14.76	\$ 1,250.52	\$ 1,288.08		•2022 rent was increased by 3% over 2021. Staff recommends increasing rent 3% for 2023 over 2022 rent. •Board approved transfer to DOA per Act 90.
rp6816	3	DEPT. OF ACCOUNTING & GENERAL SERVICES	(2) 5-3-005:010-0000 KAUNAKAKAI Located in SMA and SLRXA	5(b)	8/1/1992	Temporary baseyard and drainage basin.	4	\$ -	\$ -		•Gratis • RP granted to State agency for base yard purposes. MDLO working with DAGS, DOCARE, COM Dept. of Public Works and Dept. of Water Supply on set-aside via EO. County Public works contacted MDLO in September 2020 to discuss strategy. DPW would like to continue using portion of area for stockpiling roadway material. DWS plans to vacate premises. MDLO staff is working to set aside the drainage area to the County. Remaining lands are to be split between DAGS, DLNR and County DPW. DOCARE is considering use of existing garage to store patrol vessel.

Doc No.	Type	Permittee Name	TMK	Land Trust Status	Permit From	Char of Use	Permit Area	2022 Annual Rent	Proposed 2023 Rent	2018 Indicated Annual Market Rent(2018)	Comments re rent amount and why no long-term disposition
rp7208	2	RAYCOM NATIONAL, INC.	(2) 2-2-007:015-0000 KULA	5(b)	1/16/2000	Television translator, shelter and tower facility.	0.204	\$ 28,800.00	\$ 31,680.00	28,800.00	• 2022 rent was increased by 10% over 2021. Staff recommends increasing rent 10% for 2023 over 2022 rent notwithstanding 2018 AMR. •Staff requested permittee contact OCCL to determine if CDUP required and staff will follow up. •Staff to explore the possibility of selling a lease at public auction. With respect to OCCL's comments, a letter dated Nov. 8, 1989 from the Chairperson informing Robert J. Smolenski, attorney for King Broadcasting Co. that its CDUA for a transmitter, building, antennas and related site improvements for television station KOGG at Haleakala, Maui was approved on Oct. 27, 1989, subject to certain conditions (MA-2271).
rp7209	2	RAYCOM NATIONAL, INC.	(2) 2-2-007:014-0000 KULA	5(b)	1/16/2000	Test site facility for television signal transmission.	0.166	\$ 28,800.00	\$ 31,680.00	28,800.00	• 2022 rent was increased by 10% over 2021. Staff recommends increasing rent 10% for 2023 over 2022 rent. •Staff to explore the possibility of selling a lease at public auction. •CDUP No. MA: 3664. Staff requested permittee contact OCCL to determine if any further CDUP is required and staff will follow up.
rp7343	4	CLUB LANAI PROPERTIES, LLC	(2) 4-9-003:027-0000 LANAI Located in SLRXA	5(b)	3/1/2000	Channel clearing, buoy placement, pier construction and maintenance, and conducting of commercial activities (docking, loading and unloading of commercial tour boats).	2.073	\$ 21,630.00	\$ 22,278.96		•2022 rent was increased by 3% over 2021. Staff recommends increasing rent 3% for 2023 over 2022 rent. •Staff requested permittee contact OCCL to determine if CDUP required and staff will follow up. •Staff to convert RP into an easement. MDLO staff is awaiting a revised application and map from the current Pulama representative The Applicant is seeking a long term lease for the exclusive use of the pier.

Doc No.	Type	Permittee Name	TMK	Land Trust Status	Permit From	Char of Use	Permit Area	2022 Annual Rent	Proposed 2023 Rent	2018 Indicated Annual Market Rent(2018)	Comments re rent amount and why no long-term disposition
rp7345	4	HUNTER, MURRAY	(2) 2-9-013:014-0000 HAIKU Located in SMA	5(b)	9/1/2002	Pasture	79.1	\$ 494.40	\$ 509.28		<ul style="list-style-type: none"> •2022 rent was increased by 3% over 2021. Staff recommends increasing rent 3% for 2023 over 2022 rent. •Staff will explore setting aside this parcel to DOFAW, which has expressed interest in it. •Staff requested permittee contact OCCL to determine if CDUP required and staff will follow up.
rp7484	2	YAMADA PACIFIC, INC.	(2) 4-5-001:053-0000 LAHAINA Located in SMA and SLRXA	5(b)	1/1/2010	Commercial	0.043	\$ 27,253.20	\$ 32,703.84	72,080.00	<ul style="list-style-type: none"> • 2022 rent was increased by 20% over 2021. Staff recommends increasing rent 20% for 2023 over 2022 rent. • Use is Patio/Lanai in conjunction with bar and restaurant operations conducted on permittee's adjacent property •Staff to convert to an easement.
rp7487	1	NOBRIGA'S RANCH INC.	(2) 3-1-006:002-por. WAILUKU	5(b)	1/1/2010	Pasture	187.47	\$ 642.72	\$ 662.04		<ul style="list-style-type: none"> •2022 rent was increased by 3% over 2021. Staff recommends increasing rent 3% for 2023 over 2022 rent. •No access to parcel from public road (landlocked). DOFAW has expressed an interest in having this parcel set aside to include into mauka forest reserve.
rp7493	4	NOBRIGA'S RANCH, INC.	(2) 3-1-001:004-0000 KAHAKULOA Located in SMA	5(b)	1/1/2010	Pasture	78.6	\$ 494.40	\$ 509.28		<ul style="list-style-type: none"> •2022 rent was increased by 3% over 2021. Staff recommends increasing rent 3% for 2023 over 2022 rent. •Staff plans to set aside parcel to DOFAW. • MDLO staff working with tenant and DOFAW to implement a 3-5 year transition strategy to phase out grazing and convert to conservation.
rp7505	1	AOAO NAPILI SURF APARTMENTS	(2) 4-3-002:099-0000 LAHAINA Located in SMA and SLRXA	5(b)	3/1/2010	Landscaping and Maintenance.	0.23	\$ 2,011.56	\$ 2,071.92		<ul style="list-style-type: none"> •2022 rent was increased by 3% over 2021. Staff recommends increasing rent 3% for 2023 over 2022 rent. •Landscaping and maintenance purposes. MDLO staff working with Napili Bay Beach Foundation (NBBF) to remove failed stairway due to severe beach erosion and replace with new elevated beach access pursuant to County SMA approval. Long term access easement to be issued to NBBF. Napili Surf to maintain RP for landscaping and maintenance of the surrounding area.
rp7512	1	MEDEIROS, JOHN S. AND YVONNE	(2) 2-2-013:010-0000 KULA	5(b)	10/1/2011	Pasture	3.096	\$ 494.40	\$ 509.28		<ul style="list-style-type: none"> •2022 rent was increased by 3% over 2021. Staff recommends increasing rent 3% for 2023 over 2022 rent.

Doc No.	Type	Permittee Name	TMK	Land Trust Status	Permit From	Char of Use	Permit Area	2022 Annual Rent	Proposed 2023 Rent	2018 Indicated Annual Market Rent(2018)	Comments re rent amount and why no long-term disposition
rp7513	4	DAY, JOSEPH J.	(2) 1-1-006:038-0000 HANA Located in SMA	5(b)	8/1/2010	General agriculture	0.85	\$ 480.00	\$ 480.00		<ul style="list-style-type: none"> • 2020 rent was increased to BLNR minimum annual rent policy of \$480. 2021 & 2022 rent remained the same. Staff recommends maintaining minimum annual rent to support traditional and customary taro cultivation. Parcel is in a remote location and not feasible to manage as unencumbered lands. •Board approved transfer to DOA per Act 90, however need to confirm with DOA acceptance of parcel. Water irrigation system needs repair and is costly. •No access to parcel per State Highways FAP No. BF-037-1 (1)/Kula Highway System •Board approved transfer to DOA per Act 90. Water irrigation system needs repair and is costly.
rp7526	4	CAMBRA, JR., LOUIS G.	(2) 2-3-008:026-0000 KULA	5(b)	1/1/2010	Pasture	18.365	\$ 480.00	\$ 480.00		<ul style="list-style-type: none"> • 2020 rent increased to the BLNR annual minimum rent policy of \$480.00. 2021 & 2022 rent remained the same. Staff recommends maintaining minimum rent for 2023 over 2022 rent to encourage continued maintenance. •Irregularly shaped parcel, no legal access from public road. The parcel is a gulch, which is prone to flooding, and would be difficult to maintain as unencumbered land.
rp7529	4	KAAUAMO, SOLOMAN & HANNAH	(2)1-1-004:013,030 Located in SMA	5(Bb)	7/20/1985	Intensive agriculture.	2.99	\$ 675.72	\$ 696.00		<ul style="list-style-type: none"> •2022 rent was increased by 3% over 2021. Staff recommends increasing rent 3% for 2023 over 2022 rent. • Board approved transfer to DOA per Act 90. • Was not on the renewal list last year expecting to be cancelled. Hasn't transferred to DOA yet so renewing this year.
rp7534	4	DUNN, LESLIE A.	(2) 3-1-005:028-0000 WAILUKU	5(b)	2/1/2010	Raising taro for home consumption together with use of ditch water.	0.352	\$ 480.00	\$ 480.00		<ul style="list-style-type: none"> • 2020 rent was increased to BLNR policy minimum rent of \$480. 2021 & 2022 rent remained the same. Staff recommends maintaining minimum annual rent for 2023 over 2022 rent to support traditional and customary taro cultivation. Parcel is land locked and in an extremely remote location with no vehicular access and standard county infrastructure. Not feasible to manage as unencumbered land.

Doc No.	Type	Permittee Name	TMK	Land Trust Status	Permit From	Char of Use	Permit Area	2022 Annual Rent	Proposed 2023 Rent	2018 Indicated Annual Market Rent(2018)	Comments re rent amount and why no long-term disposition
rp7537	4	HALEAKALA RANCH CO.	(2) 1-8-001:005-0000 HANA	5(b)	1/1/2010	Pasture	361.2	\$ 2,514.12	\$ 2,589.60	2,300.00	•2022 rent was increased by 3% over 2021. Staff recommends increasing rent 3% for 2023 over 2022 rent. •Parcel is landlocked with no access from public road. Staff to inquire with DOFAW about the possibility of transferring parcel for forest restoration purposes.
rp7539	4	OLSEN, RICHARD L.	(2) 2-1-007:010-0000 MAKENA Located in SMA and SLRXA	Acq. after 8/59	1/1/2010	Recreational fishing and storage of fishing equipment.	0.19	\$ 5,436.24	\$ 5,599.32	5,432.00	•2022 rent was increased by 3% over 2021. Staff recommends increasing rent 3% for 2023 over 2022 rent.
rp7549	3	COUNTY OF MAUI	(2) 5-7-007:016-0000 PUKOO Located in SMA and SLRXA	5(a)	12/1/2010	Operate and maintain a temporary fire control and rescue station site, housing fire/rescue personnel and fire fighting apparatuses, and maintenance of vehicular access to the premises.	0.115	\$ -	\$ -		•Gratis. • RP granted to another governmental agency as the location of the Puko'o Fire Station. MDLO staff is working with the county to relocate the fire station to across the street outside of the inundation zone.
rp7552	4	FRANCO, STEVEN J. & CAROL JEAN	(2) 2-2-003:001-0000 KULA	5(b)	3/1/2010	To construct, maintain, repair and use non-exclusive road right-of-way for vehicular access.	0.052	\$ 494.40	\$ 509.28		•2022 rent was increased by 3% over 2021. Staff recommends increasing rent 3% for 2023 over 2022 rent. •Staff to convert to an easement.

Doc No.	Type	Permittee Name	TMK	Land Trust Status	Permit From	Char of Use	Permit Area	2022 Annual Rent	Proposed 2023 Rent	2018 Indicated Annual Market Rent(2018)	Comments re rent amount and why no long-term disposition
rp7562	4	HALEAKALA RANCH COMPANY	(2) 2-4-016:001-0000 MAKAWAO	5(b)	3/1/2010	Pasture	142.3	\$ 2,216.52	\$ 2,283.00	2,000.00	<ul style="list-style-type: none"> •2022 rent was increased by 3% over 2021. Staff recommends increasing rent 3% for 2023 over 2022 rent. •Staff intends to transfer to DOFAW for conservation purposes. Will work with existing tenant on a transition strategy as needed to convert grazing to conservation.
rp7563	4	NOBRIGA'S RANCH INC.	(2) 3-1-006:002-0000 WAILUKU	5(b)	3/1/2010	Pipeline	0.055	\$ 494.40	\$ 509.28		<ul style="list-style-type: none"> •2022 rent was increased by 3% over 2021. Staff recommends increasing rent 3% for 2023 over 2022 rent. •MDLO staff to work with tenant to convert to long term utility easement.
rp7568	4	LATHAM, WILLIAM	(2) 1-1-003:092-0000 HANA Located in SMA	5(b)	6/1/2010	Agriculture	0.67	\$ 480.00	\$ 480.00		<ul style="list-style-type: none"> • Staff recommends maintaining existing 2022 rent for year 2023. Rent is consistent with other parcels of similar size,use and constraints. Parcel is land locked and in a very remote area. Management of parcel as unencumbered lands is very difficult, and staff
rp7571	4	NOBRIGA'S RANCH INC.	(2) 3-1-002:011-0000 WAILUKU Located in SMA	59b)	3/1/2010	Pasture	82	\$ 574.80	\$ 592.08		<ul style="list-style-type: none"> •2022 rent was increased by 3% over 2021. Staff recommends increasing rent 3% for 2023 over 2022 rent. •MA-1267, MA-3127. Staff requested permittee contact OCCL to determine if further CDUP required and staff will follow up. Set aside to DOFAW for a bird sanctuary.
rp7573	4	AOAO OF THE ROYAL MAUIAN	(2) 3-9-005:001-0000 KULA Located in SMA and SLRXA	5(b)	3/1/2010	Maintenance and landscaping	0.053	\$ 558.36	\$ 575.16		<ul style="list-style-type: none"> •2022 rent was increased by 3% over 2021. Staff recommends increasing rent 3% for 2023 over 2022 rent. •Staff to convert to an easement.
rp7581	4	ULUPALAKUA RANCH, INC .	(2) 2-2-007:003-0000 KULA	5(b)	4/1/2010	Right-of-way for pipeline	2.43	\$ 494.40	\$ 509.28		<ul style="list-style-type: none"> •2022 rent was increased by 3% over 2021. Staff recommends increasing rent 3% for 2023 over 2022 rent. •CDUP required. •Permittee needs to apply for a water lease pursuant HRS 171-58.
rp7583	3	LAHAINA RESTORATION FOUNDATION	(2) 4-6-018:005-0000 LAHAINA	5(b)	4/1/2010	Museum	0.063	\$ -	\$ -		<ul style="list-style-type: none"> •Gratis. •Staff to explore entering into a direct lease with this 501(c)(3) entity. •Being used to restore, operate and maintain Hale Pa'i printshop building for museum purposes.

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rp7608	4	JACINTHO, WILLIAM	(2)1-4-007:009,017 HANA Located in SMA	5(b)	5/1/2010	PASTURE	25.077	\$ 588.12	\$ 605.76		•2022 rent was increased by 3% over 2021. Staff recommends increasing rent 3% for 2023 over 2022 rent.
rp7618	4	STABLE ROAD BEACH RESTORATION FOUNDATION	(2)3-8-2:065,070,071, 074,076-078,094A WAILUKU - Located in SMA and SLRXA	5(b)	4/12/2010	Category II small-scale beach nourishment	0.894	\$ -	\$ -		•Cancellation of rp approved by Board at its meeting on Sept. 26, 2014 (Item D-6). •Staff to convert rp to an easement. Applicant working to revise survey map of rock groins.
rp7621	4	SOUZA, JR., BARRON THOMAS	(2) 2-9-001:008, 011 MAKAWAO Located in SMA	5(b)	10/1/2010	Pasture	10.403	\$ 588.12	\$ 605.76		•2022 rent was increased by 3% over 2021. Staff recommends increasing rent 3% for 2023 over 2022 rent. •BOA approved set aside to DOA on May 25, 2021 Staff will work with tenant to transition over to DOA.
rp7622	4	BUTTERFLY, SAMADHI	(2) 1-6-009:017-0000 HANA	5(b)	11/1/2010	Agriculture	1.253	\$ 588.12	\$ 605.76		•2022 rent was increased by 3% over 2021. Staff recommends increasing rent 3% for 2023 over 2022 rent. •Staff to explore the possibility of selling a lease at public auction.
rp7639	3	DEPT. OF LAND AND NATURAL RESOURCES, C/O MAUI DIST. MGR.	(2) 4-8-003:008-0000 OLOWALU	5(b)	11/1/2010	Native plant species restoration	1.1	\$ -	\$ -		•Gratis. • MA-2653. • Staff working with DOFAW to set aside lands for conservation purposes at Olowalu mauka lands.
rp7686	4	AOAO OF MAUI KAMAOLE, INC.	(2) 3-9-004:146-0000 WAILUKU Located in SMA	5(b)	6/1/2011	Landscaping and maintenance	0.894	\$ 494.40	\$ 509.28		•2022 rent was increased by 3% over 2021. Staff recommends increasing rent 3% for 2023 over 2022 rent. •Landscaping and maintenance purposes.
rp7699	4	DOOR OF FAITH CHURCH AND BIBLE SCHOOL	(2) 2-9-008:018-0000 MAKAWAO Located in SMA	5(b)	7/1/2011	Access, parking and church related purposes	1.24	\$ 480.00	\$ 494.40		•2022 rent was increased by 3% over 2021. Staff recommends increasing rent 3% for 2023 over 2022 rent. •MDLO Staff to work with tenant to convert into access and utility easement for driveway and accessory parking purposes using county assessed property value. Excess property and adjacent unencumbered lands to be considered for transfer to DOA. Property is odd shaped, bisected by road ROW and in a very remote area. Maintenance by DLNR as unencumbered lands would be costly and difficult.

Doc No.	Type	Permittee Name	TMK	Land Trust Status	Permit From	Char of Use	Permit Area	2022 Annual Rent	Proposed 2023 Rent	2018 Indicated Annual Market Rent(2018)	Comments re rent amount and why no long-term disposition
rp7723	2	AOAO OF MANA KAI-MAUI	(2) 3-9-004:001-0000 WAILUKU Located in SMA	5(b)	8/1/2011	Gravel parking and propane gas tank	0.425	\$ 1,599.60	\$ 1,839.60	2,808.00	•2022 rent was increased by 15% over 2021. Staff recommends increasing rent 15% for 2023 over 2022 rent notwithstanding the 2018 AMR. •Permittee using only a portion of parcel for parking and propane tank. Staff to convert to utility easement. Staff is working to set aside parcel 001 to the County for parking and beach access purposes
rp7746	2	DORRIS, STEPHEN	(2) 2-9-003:008-0000 MAKAWAO Located in SMA	5(b)	9/1/2011	General agriculture	9.82	\$ 2,432.28	\$ 2,797.08	12,740.00	• 2022 rent was increased by 15% over 2021. Staff recommends increasing rent 15% or 2023 over 2022 rent notwithstanding the 2018 AMR. •Board approved transfer to DOA per Act 90.
rp7755	4	MARTIN, JR., NORMAN D.	(2) 1-1-006:041,043 HANA Located in SMA	5(b)	9/1/2011	General agriculture	0.56	\$ 480.00	\$ 480.00		•2022 rent was increased by 3% over 2021. Staff recommends increasing rent 3% for 2023 over 2022 rent. •Board approved transfer to DOA per Act 90. MDLO staff to follow up with DOA for status update of ongoing due diligence and timeframe for DOA to accept or reject set aside.
rp7760	4	MARINO, DOMINICK & PATRICIA	(2) 2-3-007:028-0000 MAKAWAO	5(b)	9/1/2011	Pasture	0.63	\$ 494.40	\$ 509.28		•2022 rent was increased by 3% over 2021. Staff recommends increasing rent 3% for 2023 over 2022 rent. •Property not being used for intended pasture purposes due to odd shape and topography. Existing use is residential access and parking purposes.
rp7762	4	BOERNER, CHARLES J.	(2) 1-6-005:008,021,022,023 HANA	5(b)	8/1/2011	Pasture	14.354	\$ 494.40	\$ 509.28		•2022 rent was increased by 3% over 2021. Staff recommends increasing rent 3% for 2023 over 2022 rent. • There is no access to the parcels from a public road. Staff to explore with DOA the possibility of transfer under Act 90.
rp7769	4	HECHT, MARGARET ANN	(2) 1-6-008:002,004 HANA	5(b)	9/1/2011	Pasture	62.534	\$ 494.40	\$ 509.28		•2022 rent was increased by 3% over 2021. Staff recommends increasing rent 3% for 2023 over 2022 rent. •No access to parcels from public road. Staff to explore with DOA the possibility of transfer under Act 90.
rp7778	4	KAUPO RANCH, LTD.	(2) 1-7-003:032-0000 HANA	5(b)	11/1/2011	Pasture	20.9	\$ 494.40	\$ 509.28		•2022 rent was increased by 3% over 2021. Staff recommends increasing rent 3% for 2023 over 2022 rent. •Staff to set aside to DOA. •DOA approved set aside May 25,2021.

Doc No.	Type	Permittee Name	TMK	Land Trust Status	Permit From	Char of Use	Permit Area	2022 Annual Rent	Proposed 2023 Rent	2018 Indicated Annual Market Rent(2018)	Comments re rent amount and why no long-term disposition
rp7780	4	RUBY & SONS HOSPITALITY LLC	(2) 3-9-004:149-0000 WAILUKU Located in SMA and SLRXA	5(b)	9/1/2011	Parking lot	0.694	\$ 4,500.00	\$ 4,635.00	4,472.00	• 2022 rent was increased by 10% over 2021. Staff recommends increasing rent 3% for 2023 over 2022 rent. • The rp was issued for additional parking for GL 4212, which ends 9/3/33. There is a potential for a set aside to the County considering a settlement agreement related to an existing zoning variance for parking purposes of sale of lease at a public auction. • Staff is currently working on the RFQ/RFP for a new lease.
rp7781	4	JOHNSON, JAMES L. AND NANCY K.	(2) 1-1-003:064-0000 HANA Located in SMA	5(b)	9/1/2011	Landscaping and maintenance	0.214	\$ 494.40	\$ 509.28		• 2022 rent was increased by 3% over 2021. Staff recommends increasing rent 3% for 2023 over 2022 rent. • Staff to explore the possibility of selling a lease at public auction, as there may be potential for a significant revenue increase.
rp7783	2	WEINBERG FOUNDATION, INC., THE HARRY & JEANETTE	(2) 4-5-001:009-A LAHAINA Located in SMA and SLRXA	5(b)	9/1/2011	Commercial	0.028	\$ 24,987.24	\$ 28,735.32	67,440.00	• 2022 rent was increased by 15% over 2021 rent notwithstanding the 2018 AMR. • Staff recommends increasing rent 15% for 2023 over 2022 rent. • Staff to seek approval to convert to an easement.
rp7787	2	PACIFIC RADIO GROUP, INC.	(2) 2-2-004:089-0000 MAKAWAO	5(b)	9/1/2011	Operate and maintain an FM radio transmission facility	1	\$ 16,143.72	\$ 18,565.32	26,000.00	• 2022 rent was increased by 15% over 2021 rent notwithstanding the 2018 AMR. Staff recommends increasing rent 15% for 2023 over 2022 rent. • Staff to explore the possibility of selling a lease at public auction.
rp7804	4	KAHIAMOE, JR., MOSES	(2) 2-9-8:18, 24 MAKAWAO Located in SMA	5(b)	5/1/2012	Pasture	5.26	\$ 572.64	\$ 589.80		• 2022 rent was increased by 3% over 2021. Staff recommends increasing rent 3% for 2023 over 2022 rent. • Staff to explore with DOA the possibility of selling a lease at public auction.
rp7816	4	AOAO OF MAUI HILL	(2) 3-9-004:140-0000 WAILUKU Located in SMA	5(b)	2/1/2013	Landscaping, pedestrian path and maintenance	0.916	\$ 794.16	\$ 818.04		• 2022 rent was increased by 3% over 2021. Staff recommends increasing rent 3% for 2023 over 2022 rent. • Permittee using only a portion of the parcel for landscaping, pedestrian path and maintenance. Staff to explore the possibility of selling a lease at public auction as there is a potential for significant revenue increase. A set aside to the County is also proposed.

Doc No.	Type	Permittee Name	TMK	Land Trust Status	Permit From	Char of Use	Permit Area	2022 Annual Rent	Proposed 2023 Rent	2018 Indicated Annual Market Rent(2018)	Comments re rent amount and why no long-term disposition
rp7819	4	VELLINA, FELIX AND ROXANNE	(2) 3-1-4:92,95,97 WAILUKU	5(b)	3/1/2012	Intensive agriculture.	0.823	\$ 555.96	\$ 555.96		•Staff recommends maintaining rent for 2022 over 2022 rent. •Parcels are landlocked and odd shaped and in a very remote area. Maintenance by State would be very difficult. •Staff to explore with DOA the possibility of transfer under Act 90.
rp7822	4	REDO, VALENTINE	(2) 1-1-004:006-0000 HANA Located in SMA	5(b)	6/1/2012	Intensive agriculture.	1.53	\$ 555.96	\$ 555.96		• 2022 rent remained the same as 2021 rent. MDLO recommended no increase in rent again for 2023 due to existing constraints that limit the economic potential of the property. •Staff to explore the possibility of selling a
rp7824	4	KAIWI, JULIA	(2) 3-1-4:46,56,59,61 WAILUKU Portion of 46 located in SMA	5(b)	7/1/2012	Agriculture	0.844	\$ 572.64	\$ 589.80		•2020 rent was increased by 3% over 2019. Staff recommends increasing rent 3% for 2022 over 2021 rent. •Staff to explore with DOA the possibility of transfer under Act 90.
rp7846	4	SCOTT, LURLYN	(2) 2-9-001:018-0000 MAKAWAO Located in SMA	5(b)	12/1/2014	Intensive agriculture.	5	\$ 540.00	\$ 540.00		•Staff recommends maintaining current rent for 2023 over 2022 rent. •This would be consistent with other parcels of similar size and constraints that include being land locked, steep topography with only a portion of lands actively cultivated for traditional and customary purposes. • No access from public road. Parcel Landlocked. staff to explore with DOA the possibility of transfer under Act 90.
rp7864	4	COSTON, JOHN AND GLORIA	(2) 3-1-004:049-0000 WAILUKU Located in SMA	5(b)	7/1/2015	General agriculture.	0.263	\$ 547.92	\$ 564.36		•2022 rent was increased by 3% over 2021. Staff recommends increasing rent 3% for 2023 over 2022 rent. • Staff to explore with DOA the possibility of transfer under Act 90. • land being used for storage purposes.
rp7868	4	AOAO KIHEI SURFSIDE	(2) 3-9-004:87, por 01 WAILUKU Located in SMA and SLRXA	5(b)	9/1/2017	Landscaping, maintenance and recreation.	2.5	\$ 8,883.72	\$ 9,150.24		•2022 rent was increased by 3% over 2021. Staff recommends increasing rent 3% for 2023 over 2022 rent. •Permittee using only a portion of parcel 001 for landscaping. The only access to the parcel from the public road is through permittee's property or over State owned land. The permit stipulates the public shall have full and unrestricted use of the cleared and landscaped permit areas at all times. Permittee shall post a sign reading that the area is open to the public.

Doc No.	Type	Permittee Name	TMK	Land Trust Status	Permit From	Char of Use	Permit Area	2022 Annual Rent	Proposed 2023 Rent	2018 Indicated Annual Market Rent(2018)	Comments re rent amount and why no long-term disposition
rp7869	4	KELIIOKA, NOEL AND LINDA	(2) 5-8-003:023-0000 HONOUULIWAI Located in SMA	5(b)	1/1/2016	Residential and agricultural.	0.291	\$ 1,374.00	\$ 1,415.28		<ul style="list-style-type: none"> •2022 rent was increased by 3% over 2021. Staff recommends increasing rent 3% for 2023 over 2022 rent. •DOFAW considering set-aside to connect mauka forest reserve to makai.
rp7927	4	HAYWARD, TRACY	(2)1-4-012:003-0000 Located in SMA	5b	3/1/2022	Misc. Access	1.84	\$ 480.00	\$ 494.40		<ul style="list-style-type: none"> • New permittee as of 3/11/2022. Staff recommends increasing rent 3% for 2023 over 2022 rent.
rp7932	4	AOAO OF MILOWAI-MAALAEA	(2) 3-8-014:022A HONOUULIWAI Located in SMA and SLRXA	5(b)	1/8/2021	Encroachment	0.023	\$ 3,060.00	\$ -		<ul style="list-style-type: none"> •New RP, 2021 initial rent. Rent was terminated 6/7/2021 because permittee removed the sandbags. The RP remains open as the insurance needs to stay in place until the easement is approved. Fiscal memo was processed to stop rent. Easement is still pending.
rp7943	4	WEST MAUI RESORT PARTNERS	(2) 4-4-001:seaward of 098 LAHAINA - Located in SMA and SLRXA	5(b)	3/11/2022	Erosion repair	9800sq ft	\$ 22,872.00	\$ 23,558.16		<ul style="list-style-type: none"> • New RP as of 3/1/2022. Staff recommends increasing rent 3% for 2023 over 2022 rent.
rp7946	3	NAPILI BAY & BEACH FOUNDATION INC.	(2) 4.3.002:023,099 LAHAINA Located in SMA and SLRXA	5(b)	4/1/2022	Beach stair access	2450	\$ -	\$ -		<ul style="list-style-type: none"> • Gratis. Public access easement.

2022 to 2021 Comparison, Islands of the Maui County

Doc No.	Permittee Name	Comments RE: Rent amount and why no long-term disposition.
rp4450	TEXEIRA, JOSEPH (-)	<ul style="list-style-type: none"> • No rent increases since 2019. Staff recommends increasing rent 3% for 2022 over 2021 rent. MDLO will request cancellation of both RPs 4450 and 5847, with issuance of thereafter of a new Rp covering both sections of pipeline, until the easement request can be brought to the board. • Permittee deceased & grand daughter living on property named Ina Kailiehu reference: PSF 04MD-033
rp5405	MANA KAI APT OWNERS ASSN.	<ul style="list-style-type: none"> • 20202022 rent was increased by 3% over 2019's. 2021 rent stayed the same. Staff recommends increasing rent 3% for 20222023 over 20212022 rent. • Permittee using only a portion of the parcel for landscaping. The permit stipulates that the public shall have full and unrestricted use of the permit area, and permittee will install such signs as are deemed necessary by the Maui District Land Agent to confirm that premises are open to the public. The plan is to set aside parcel 001 to the County of Maui.
rp5710	WAIAKOA HOMEOWNERS ASSOCIATION	<ul style="list-style-type: none"> • 20202022 rent was increased to the BLNR minimum annual rent policy of \$480.00. 2021 rent remained the same by 3% over 2021. Staff recommends increasing rent 3% for 2023 over 2022 over 2021 rent. • The permit is supposed to be converted to an easement. Applicant's engineer's drawings were not detailed enough for Survey Div. MDLO to investigate and follow up.
rp5834	HALE PAU HANA HOMEOWNERS ASSN.	<ul style="list-style-type: none"> • 2020 rent was increased by 10% over 2019. 2021 rent remained the same. Staff recommends increasing rent 3% for 2022 over 2021 rent. • At its meeting on 3/10/11, item D-5, the Board approved the cancellation of the permit and the issuance of a term easement. Easement should be complete by end of 2020.
rp5835	HALE PAU HANA HOMEOWNERS ASSN.	<ul style="list-style-type: none"> • 2020 rent was increased by 3% over 2019. 2021 rent remained the same. Staff recommends increasing rent 3% for 2022 over 2021 rent. • At its meeting on 3/10/11, item D-5, the Board approved the cancellation of the permit and the issuance of a term easement. Easement should be complete by end of 2020.
rp5847	TEXEIRA ET AL, JOSEPH R.	<ul style="list-style-type: none"> • Board maintained 2019 rent for 2020 and 2021. Staff recommends increasing rent 3% for 2022 over 2021 rent. MDLO will request cancellation of both RPs 4450 & 5847, with issuance of a new RP thereafter to current user covering both sections of pipeline, until the easement request can be brought to the Board. • Joseph Texeira is deceased. MDLO is working with permittee's granddaughter Ina Kailiehu (PSF 04MD-033 to convert RP into an easement. • CDUP Numbers: MA: 1282, 1591, 1955, 2235. MA-630,1088 for waterlines, SPA 12-25. Staff requested permittee contact OCCL to determine if further CDUP required and staff will follow up.

2022 to 2021 Comparison, Islands of the Maui County

rp5900	KEAWAKAPU HOMEOWNERS ASSN.	<ul style="list-style-type: none"> • 2020<u>2022</u> rent was increased to the BLNR minimum annual rent policy of \$480.00. 2021 rent remained the same.<u>3% over 2021 rent.</u> Staff recommends increasing rent 3% for <u>2023 over 2022</u> over 2021 rent. • Permittee using only a portion of the parcel for landscaping & maintenance. Land has prime street frontage. Staff is considering a set aside to the County of Maui to include into plans for increased parking across the street to access Keawekapu beach.
rp6047	DURO, TRAV	<ul style="list-style-type: none"> • 2020<u>2022</u> rent was increased to the BLNR minimum annual rent policy of \$480.00. 2021 rent remained the same.<u>by 3% over 2021.</u> Staff recommends increasing rent 3% for <u>2023 over 2022</u> over 2021 rent. • <u>Staff to seek approval to convert rp to an easement.</u>
rp6121	KAHAKULOA PROTESTANT CHURCH	<ul style="list-style-type: none"> • 2020 rent was increased by approx. 3% over 2019. 2021 rent<u>2022 rent</u> remained the same. Staff recommends increasing as 2021 rent. MDLO recommended no increase in rent 3% again for 2022 over 2021 rent.<u>2023 due to existing constraints that limit the economic potential of the property.</u> • Staff will cancel RP and recommend a direct lease to a different 501 (c)(3) to rehabilitate the building. Staff will instruct the permittee to apply for an exemption from CDUP because only a sliver of land with no active use is in the conservation district. The majority of the parcel is located within a rural district.
rp6199	UNITED STATES OF AMERICA	<ul style="list-style-type: none"> • <u>Gratis</u> • CDUP Numbers: MA: 1990, 3664, SPA MA 99-05. Staff requested permittee contact OCCL to determine if any further CDUP is required and staff will follow up. • The site is not currently in use. The cancellation of the rp is pending a site inspection by staff. Concrete debris is to be cleared from the site.
rp6648	CARTER, CHARLES G.	<ul style="list-style-type: none"> • 2020<u>2022</u> rent <u>was</u> increased to the BLNR minimum annual rent policy of \$480.00. 2021 rent remained the same.<u>by 3% over 2021.</u> Staff recommends increasing rent 3% for <u>2023 over 2022</u> over 2021 rent. • <u>Parcels are either landlocked, or economically unsuitable due to size and shape. Staff to conduct a site visit to confirm the uses and if structures authorized.</u>
rp6766	LOOMIS, JAMES C.	<ul style="list-style-type: none"> • 2020<u>2022</u> rent was increased by 3% over 2019. 2021 rent remained the same. Staff recommends increasing rent 3% for <u>2022</u><u>2023</u> over 2021<u>2022</u> rent. • Board approved transfer to DOA per Act 90.

2022 to 2021 Comparison, Islands of the Maui County

rp6816	DEPT. OF ACCOUNTING & GENERAL SERVICES	<ul style="list-style-type: none"> •Gratis • RP granted to State agency for base yard purposes. MDLO working with DAGS, DOCARE, COM Dept. of Public Works and Dept. of Water Supply on set-aside via EO. County Public works contacted MDLO in September 2020 to discuss strategy. DPW would like to continue using portion of area for stockpiling roadway material. DWS plans to vacate premises. MDLO staff is working to set aside the drainage area to the County. Remaining lands are to be split between DAGS, DLNR and County DPW. DOCARE is considering use of existing garage to store patrol vessel.
rp7208	RAYCOM NATIONAL, INC.	<ul style="list-style-type: none"> • 20202022 rent was increased by 10% over 2019 2021 rent remained the same. Staff recommends increasing rent 10% for 20222023 over 20212022 rent notwithstanding 2018 AMR. •Staff requested permittee contact OCCL to determine if CDUP required and staff will follow up. _____ •Staff to explore the possibility of selling a lease at public auction. With respect to OCCL's comments, a letter dated Nov. 8, 1989 from the Chairperson informing Robert J. Smolenski, attorney for King Broadcasting Co. that its CDUA for a transmitter, building, antennas and related site improvements for television station KOGG at Haleakala, Maui was approved on Oct. 27, 1989, subject to certain conditions (MA-2271).
rp7209	RAYCOM NATIONAL, INC.	<ul style="list-style-type: none"> • 20202022 rent was increased by 10% over 2019 2021 rent remained the same. Staff recommends increasing rent 10% for 20222023 over 20212022 rent. •Staff to explore the possibility of selling a lease at public auction. •CDUP No. MA: 3664. Staff requested permittee contact OCCL to determine if any further CDUP is required and staff will follow up.
rp7220	STATE OF HAWAII, DLNR	<ul style="list-style-type: none"> •Gratis• At its meeting on 2/12/16, Item D-6, the Board approved the cancellation of DOFAW's rp and the issuance of an rp to the Maui Invasive Species Committee (MISC). Staff to amend Board approval to allow for a long term lease to a non-profit organization for storage and conservation operations in East Maui.
rp7343	CLUB LANAI PROPERTIES, LLC	<ul style="list-style-type: none"> •20202022 rent was increasedincreased by 3% over 2019 2021 rent remained the same. Staff recommends increasing rent 3% for 20222023 over 20212022 rent. •Staff requested permittee contact OCCL to determine if CDUP required and staff will follow up. •Staff to convert RP into an easement. MDLO staff is awaiting a revised application and map from <u>the current</u> Pulama representative Ms. McCrory. The Applicant is seeking a long term lease for the exclusive use of the pier.

2022 to 2021 Comparison, Islands of the Maui County

rp7345	HUNTER, MURRAY	<ul style="list-style-type: none"> • 20202022 rent was increased to the BLNR minimum annual rent of \$480.00. 2021 rent remained the same.by 3% over 2021. Staff recommends increasing rent 3% for 2023 over 2022 over 2021 rent. •Staff will explore setting aside this parcel to DOFAW, which has expressed interest in it. •Staff requested permittee contact OCCL to determine if CDUP required and staff will follow up.
rp7479	HERTZ, MARY MAXWELL	<ul style="list-style-type: none"> • 2020 rent was increased by 3% over 2019. 2021 rent remained the same. Staff recommends increasing rent 3% for 2022 over 2021 rent. • Board approved transfer to DOA per Act 90.
rp7484	YAMADA PACIFIC, INC.	<ul style="list-style-type: none"> • 20202022 rent was increased by 1020% over 2019. 2021 rent remained the same. Staff recommends increasing rent 1020% for 20222023 over 20212022 rent. • Use is Patio/Lanai in conjunction with bar and restaurant operations conducted on permittee's adjacent property. •Staff to convert to an easement.
rp7487	NOBRIGA'S RANCH INC.	<ul style="list-style-type: none"> • 20202022 rent was increased by 3% over 2019. 2021 rent remained the same. Staff recommends increasing rent 3% for 20222023 over 20212022 rent. •No access to parcel from public road (landlocked). DOFAW has expressed an interest in having this parcel set aside to include into mauka forest reserve.
rp7493	NOBRIGA'S RANCH, INC.	<ul style="list-style-type: none"> • 20202022 rent was increased to the BLNR annual minimum rent policy of \$480.00. 2021 rent remained the same.by 3% over 2021. Staff recommends increasing rent 3% for 2022 over 2021 rent. • If staff sells a lease at public auction, DOFAW requests that its term not exceed 10 years, after which the parcel be 2023 over 2022 rent. •Staff plans to set aside parcel to DOFAW. • MDLO staff working with tenant and DOFAW to implement a 3–5-year transition strategy to phase our grazing and convert to conservation.
rp7505	AOAO NAPILI SURF APARTMENTS	<ul style="list-style-type: none"> • 20202022 rent was increased by 3% over 2019. rent for 2021 remained the same. Staff recommends increasing rent 3% for 20222023 over 20212022 rent. •Landscaping and maintenance purposes. Amend permit to require signage stating the permit area is open to the public. Staff isMDLO staff working with the tenant to convert to an easement. Note: Napili Bay Beach Foundation (NBBF) to remove failed stairway due to severe shorelinebeach erosion ongoing and replace with new elevated beach access pursuant to County SMA approval. Long term access easement to be issued to NBBF. Napili Surf to maintain RP for landscaping and maintenance of the surrounding area.

2022 to 2021 Comparison, Islands of the Maui County

rp7512	MEDEIROS, JOHN S. AND YVONNE	<ul style="list-style-type: none"> • 2020's <u>2022</u> rent was increased to the BLNR minimum annual rent policy of \$480.00. 2021 rent remained the same by 3% over 2021. Staff recommends increasing rent 3% for 2022 over 2021 rent. <u>2023 over 2022 rent.</u> • No access to parcel per State Highways FAP No. BF-037-1 (1)/Kula Highway System.
rp7513	DAY, JOSEPH J.	<ul style="list-style-type: none"> • 2020 rent was increased to BLNR minimum annual rent policy of \$480. 2021 & 2022 rent remained the same. Staff recommends increasing <u>maintaining minimum annual</u> rent 3% for 2022 over 2021 rent. <u>to support traditional and customary taro cultivation.</u> Parcel is in a remote location and not feasible to manage as <u>unencumbered lands.</u> • Board approved transfer to DOA per Act 90, <u>however need to confirm with DOA acceptance of parcel.</u> Water irrigation system needs repair and is costly. • <u>No access to parcel per State Highways FAP No. BF-037-1 (1)/Kula Highway System</u> • Board approved transfer to DOA per Act 90. Water irrigation system needs repair and is costly.
rp7526	CAMBRA, JR., LOUIS G.	<ul style="list-style-type: none"> • 2020 rent increased to the BLNR annual minimum rent policy of \$480.00. 2021 & 2022 rent remained the same. Staff recommends increasing <u>maintaining minimum</u> rent 3% for 2022 <u>2023</u> over 2021 <u>2022</u> rent <u>to encourage continued maintenance.</u> • Irregularly shaped parcel, no legal access from public road. The parcel is a gulch, which is prone to flooding, <u>and would be difficult to maintain as unencumbered land.</u>
rp7529	KAUAMO, JR., SOLOMON SOLOMAN & HANNAH-K.	<ul style="list-style-type: none"> • 2020 <u>2022</u> rent was increased by 3% over 2019. 2021 rent remained the same. Staff recommends increasing rent 3% for 2022 <u>2023</u> over 2021 <u>2022</u> rent. • Board approved transfer to DOA per Act 90. • <u>Was not on the renewal list last year expecting to be cancelled. Hasn't transferred to DOA yet so renewing this year.</u>
rp7534	DUNN, LESLIE A.	<ul style="list-style-type: none"> • 2020 rent was increased to BLNR policy minimum rent of \$480. 2021 & 2022 rent remained the same. Staff recommends increasing <u>maintaining minimum annual</u> rent 3% for 2022 <u>2023</u> over 2021 <u>2022</u> rent. • MA: 1436. Staff requested permittee contact OCCL to determine if any further CDUP is required support traditional and staff will follow up. • <u>Not customary taro cultivation. Parcel is land locked and in an extremely remote location with no vehicular access and standard county infrastructure. Not feasible to parcel from public road. Area landlocked. manage as unencumbered land.</u>
rp7537	HALEAKALA RANCH CO.	<ul style="list-style-type: none"> • 2020 <u>2022</u> rent was increased by 3% over 2019. 2021 rent remained the same. Staff recommends increasing rent 3% for 2022 <u>2023</u> over 2021 <u>2022</u> rent. • Parcel is landlocked with no access from public road. Staff to inquire with DOFAW about the possibility of transferring parcel for forest restoration purposes.

2022 to 2021 Comparison, Islands of the Maui County

rp7539	OLSEN, RICHARD L.	<ul style="list-style-type: none"> •2020<u>2022</u> rent was increased by 103% over 2019. 2021 rent remained the same. Staff recommends increasing rent 3% for 2022<u>2023</u> over 2021 rent. •Parcel is landlocked. MDLO considering recommending a lease to a non-profit organization for marine education purposes<u>2022 rent.</u>
rp7545	BROWNE, ROAN AND SUSAN	<ul style="list-style-type: none"> •2020 rent was increased to the BLNR minimum annual rent policy of \$480.00. 2021 rent remained the same. Staff recommends increasing rent 3% for 2022 over 2021 rent. •Staff requested permittee contact OCCL to determine if CDUP required and staff will follow up. •DOFAW expressed an interest to receive the land via a set aside for habitat conservation purposes. County experiencing delays due to land acquisition issues.
rp7549	COUNTY OF MAUI	<ul style="list-style-type: none"> •Gratis. • RP granted to another governmental agency as the location of the Puko'o Fire Station. MDLO staff is working with the county to relocate the fire station to across the street outside of the inundation zone.
rp7551	HERTZ, MARY	<ul style="list-style-type: none"> •2020 rent was increased to the BLNR minimum annual rent policy of \$480.00. 2021 rent remained the same. Staff recommends increasing rent 3% for 2022 over 2021. •Staff to seek Board approval for sale of lease at public auction for water tank site.
rp7552	FRANCO, STEVEN J. & CAROL JEAN	<ul style="list-style-type: none"> •2020<u>2022</u> rent was increased to the BLNR minimum annual rent policy of \$480.00. 2021 rent remained the same. <u>by 3% over 2021.</u> Staff recommends an increase of<u>increasing rent</u> 3% for <u>2023 over 2022</u> over 2021 rent. •Staff to convert to an easement.
rp7558	KAUAMO, WILKENS P.	<ul style="list-style-type: none"> •2020 rent was increased by 3% over 2019. 2021 rent remained the same. Staff recommends increasing rent 3% for 2022 over 2021. •No access to parcel 28 from public road. Staff to explore with DOA the possibility of transfer under Act 90.
rp7562	HALEAKALA RANCH COMPANY	<ul style="list-style-type: none"> •2020<u>2022</u> rent was increased by 103% over 2019. 2021 rent remained the same. Staff recommends increasing rent 3% for 2022<u>2023</u> over 2021<u>2022</u> rent. •MA 05-02. •Staff requested permittee contact OCCL <u>intends to determine if further CDUP required and staff will follow up</u> •Staff to explore the possibility of selling a lease at public auction or explore with DOA the possibility of transfer under Act 90 to DOFAW for conservation purposes. Will work with existing tenant on a transition strategy as needed to convert grazing to conservation.

2022 to 2021 Comparison, Islands of the Maui County

rp7563	NOBRIGA'S RANCH INC.	<ul style="list-style-type: none"> • Was a new RP with staff recommending setting 2020-2022 rent with the BLNR minimum annual rent policy of \$480.00. 2021 rent remained the same. <u>was increased by 3% over 2021.</u> Staff recommends increasing rent 3% for 2022 over 2021 rent <u>2023 over 2022 rent.</u> • <u>MDLO staff to work with tenant to convert to long term utility easement.</u>
rp7568	LATHAM, WILLIAM	<ul style="list-style-type: none"> • 2020 rent was increased by approx 3% over 2019. 2021 rent remained the same. Staff recommends increasing rent 3% for 2022 over 2021 rent. • No access from public road. Area landlocked. • Staff recommends maintaining existing 2022 rent for year 2023. Rent is consistent with other parcels of similar size, use and constraints. Parcel is land locked and in a very remote area. Management of parcel as unencumbered lands is very difficult, and staff recommends support of ongoing traditional and customary taro cultivation practices.
rp7571	NOBRIGA'S RANCH INC.	<ul style="list-style-type: none"> • 2020 <u>2022</u> rent was increased by 3% over 2019's. 2021 rent remained the same. Staff recommends increasing rent 3% for 2022 <u>2023</u> over 2021 <u>2022</u> rent. • MA-1267, MA-3127. Staff requested permittee contact OCCL to determine if further CDUP required and staff will follow up. Set aside to DOFAW for a bird sanctuary.
rp7573	AOAO OF THE ROYAL MAUIAN	<ul style="list-style-type: none"> • 2020 • <u>2022</u> rent was increased by 3% over 2019. 2021 rent remained the same. Staff recommends an increase of <u>increasing rent</u> 3% for 2022 <u>2023</u> over 2021 <u>2022</u> rent. • Staff to convert to an easement. <u>Staff sent a letter to permittee dated 3/11/13 regarding the conversion to an easement, and outlined several encroachments.</u>
rp7581	ULUPALAKUA RANCH, INC .	<ul style="list-style-type: none"> • 2020 <u>2022</u> rent was increased to the BLNR annual minimum rent policy of \$480.00. 2021 rent remained the same. <u>by 3% over 2021.</u> Staff recommends increasing rent 3% for <u>2023 over 2022</u> over 2021 rent. • CDUP required. _____ • Permittee needs to apply for a water lease pursuant HRS 171-58.
rp7583	LAHAINA RESTORATION FOUNDATION	<ul style="list-style-type: none"> • Gratis. • Staff to explore entering into a direct lease with this 501(c)(3) entity. • Being used to restore, operate and maintain Hale Pa'i printshop building for museum purposes.
rp7608	JACINTHO, WILLIAM F.	<ul style="list-style-type: none"> • 2020 <u>2022</u> rent was increased by 3% over 2019. rent for 2021 remained the same. Staff recommends increasing rent 3% for 2022 <u>2023</u> over 2021. • Staff requested permittee contact OCCL to determine if CDUP required and staff will follow up. _____ <u>2022 rent.</u>

2022 to 2021 Comparison, Islands of the Maui County

rp7618	STABLE ROAD BEACH RESTORATION FOUNDATION	<ul style="list-style-type: none"> •Cancellation of rp approved by Board at its meeting on Sept. 26, 2014 (Item D-6). •Staff to convert rp to an easement. Applicant working to revise survey map of rock groins.
rp7621	SOUZA, JR., BARRON THOMAS	<ul style="list-style-type: none"> •2020<u>2022</u> rent was increased by approx 3% over 2019. 2021 rent remained the same. Staff recommends increasing rent 3% for 2022<u>2023</u> over 2022 rent. •BOA approved set aside to DOA on May 25, 2021 rent.•Staff requested permittee contact OCCL to determine if CDUP required and Staff will follow up. •Permittee has requested surrender of parcel 008 (1.8 ac.) and work with tenant to retain parcel 11 (8.78 ac.). Staff transition over to seek issuance of new permit and explore the possibility of selling a lease at public auction. While a large parcel, it is landlocked, irregular shaped and with steep slopes. DOA.
rp7622	BUTTERFLY, SAMADHI	<ul style="list-style-type: none"> •2020<u>2022</u> rent was increased by 3% over 2019. 2021 rent remained the same. Staff recommends increasing rent 3% for 2022<u>2023</u> over 2021<u>2022</u> rent. •Staff to explore the possibility of selling a lease at public auction.
rp7639	DEPT. OF LAND AND NATURAL RESOURCES, C/O MAUI DIST. MGR.	<ul style="list-style-type: none"> •Gratis. • MA-2653. • Staff requested permittee contact OCCL to determine if further CDUP required and staff will follow up. •RP granted to State Agency (working with DOFAW). <u>to set aside to DOFAW lands for conservation purposes at Olowalu mauka lands.</u>
rp7686	AOAO OF MAUI KAMAOLE, INC.	<ul style="list-style-type: none"> •2020<u>2022</u> rent was increased to the BLNR minimum annual rent policy of \$480.00. 2021 rent remained the same. by 3% over 2021. Staff recommends increasing rent 3% for 2023 over 2022 over 2021 rent. •Landscaping and maintenance purposes. Staff recommended a set aside to the County.
rp7699	DOOR OF FAITH CHURCH AND BIBLE SCHOOL	<ul style="list-style-type: none"> •2020<u>2022</u> rent was increased by approx 3% over 2019. 2021 rent remained the same. Staff recommends increasing rent 3% for 2022<u>2023</u> over 2021 rent. •Small area of usable parcel <u>2022 rent.</u> •MDLO Staff to work with tenant to convert into access and Permittee utility easement for driveway and accessory parking purposes using only a portion of the parcel. Convert permit to a lease to a non-profit organization county assessed property value. Excess property and adjacent unencumbered lands to be considered for transfer to DOA. Property is odd shaped, bisected by road ROW and in a very remote area. Maintenance by DLNR as unencumbered lands would be costly and difficult.

2022 to 2021 Comparison, Islands of the Maui County

rp7723	AOAO OF MANA KAI-MAUI	<ul style="list-style-type: none"> • 20202022 rent was increased by 1015% over 2019. 2021 rent remained the same. Staff recommends increasing rent 1015% for 20222023 over 2021 rent. 2022 rent notwithstanding the 2018 AMR. • Permittee using only a portion of parcel for parking and propane tank. Staff to convert to utility easement. <u>Propose a Staff is working to set aside parcel 001 to the County for parking and beach access purposes</u>
rp7746	DORRIS, STEPHEN	<ul style="list-style-type: none"> • 20202022 rent was increased by 1015% over 2019. 2021 rent remained the same. Staff recommends increasing rent 1015% or 20222023 over 2021 rent. <u>2022 rent notwithstanding the 2018 AMR.</u> • Board approved transfer to DOA per Act 90.
rp7755	MARTIN, JR., NORMAN D.	<ul style="list-style-type: none"> • 20202022 rent was increased to Board minimum rent policy \$480. 2021 rent remained the same. by 3% over 2021. Staff recommends increasing rent 3% for 2023 over 2022 over 2021 rent. • Board approved transfer to DOA per Act 90. <u>MDLO staff to follow up with DOA for status update of ongoing due diligence and timeframe for DOA to accept or reject set aside.</u>
rp7760	MARINO, DOMINICK & PATRICIA	<ul style="list-style-type: none"> • 20202022 rent was increased to the BLNR annual minimum rent policy of \$480.00. 2021 rent remained the same. Staff recommending aby 3% increase for 2022 over 2021 rent. • Low interest. Staff recommends increasing rent 3% for 2023 over 2022 rent. • <u>Property not being used for property, no water. Infeasible to sell long-term lease intended pasture purposes due to small size of parcel odd shape and topography. Existing use is residential access and parking purposes.</u>
rp7762	BOERNER, CHARLES J.	<ul style="list-style-type: none"> • 20202022 rent was increased to the BLNR annual minimum rent policy of \$480.00. 2021 rent remained the same. by 3% over 2021. Staff recommends raisingincreasing rent 3% for 2023 over 2022 over 2021 rent. • There is no access to the parcels from a public road. Staff to explore with DOA the possibility of transfer under Act 90.
rp7769	HECHT, MARGARET ANN	<ul style="list-style-type: none"> • 20202022 rent was increased to the BLNR annual minimum rent policy of \$480.00. 2021 rent remained the same. by 3% over 2021. Staff recommends raisingincreasing rent 3% for 2023 over 2022 over 2021 rent. • No access to parcels from public road. Staff to explore with DOA the possibility of transfer under Act 90.
rp7778	KAUPO RANCH, LTD.	<ul style="list-style-type: none"> • 20202022 rent was increased to the BLNR annual minimum rent policy of \$480.00. 2021 rent remained the same. by 3% over 2021. Staff recommends increasing rent 3% for 2023 over 2022 over 2021 rent. • Staff requested permittee contact OCCL to determine if CDUP required and staff will follow up. Staff considering a possible to set aside to DOA. • <u>DOA approved set aside May 25, 2021.</u>

2022 to 2021 Comparison, Islands of the Maui County

rp7780	RUBY & SONS HOSPITALITY LLC	<ul style="list-style-type: none"> • 20202022 rent was increased by 10% over 2019. 2021 rent remained the same. Staff recommends increasing rent 103% for 20222023 over 20212022 rent. • The rp was issued for additional parking for GL 4212, which ends 9/3/33. There is a potential for a set aside to the County in light of considering a settlement agreement related to an existing zoning variance for parking purposes or of sale of lease at a public auction. Staff is currently working on the RFQ/RFP for a new lease.
rp7781	JOHNSON, JAMES L. AND NANCY K.	<ul style="list-style-type: none"> • 20202022 rent was increased to the BLNR annual minimum rent policy of \$480.00. 2021 rent remained the same. by 3% over 2021. Staff recommends increasing rent 3% for 2022 over 2021 rent. • Staff requested permittee contact OCCL to determine if CDUP required and staff will follow up. 2023 over 2022 rent. • Staff to explore the possibility of selling a lease at public auction, as there may be potential for a significant revenue increase.
rp7783	WEINBERG FOUNDATION, INC., THE HARRY & JEANETTE	<ul style="list-style-type: none"> • 20202022 rent was increased by 1015% over 2019. 2021 rent remained not withstanding the same. 2018 AMR. • Staff recommends raisingincreasing rent 15% for 20222023 over 20212022 rent. • Staff to seek approval to convert to an easement.
rp7787	PACIFIC RADIO GROUP, INC.	<ul style="list-style-type: none"> • 20202022 rent was increased by 1015% over 2019. 2021 rent remained not withstanding the same. 2018 AMR. Staff recommends increasing rent 1015% for 20222023 over 20212022 rent. • Staff to explore the possibility of selling a lease at public auction.
rp7804	KAHIAMOE, JR., MOSES	<ul style="list-style-type: none"> • 20202022 rent was increased by 3% over 2019. 2021 rent remained the same. Staff recommends increasing rent 3% for 20222023 over 2021. • At its meeting on 10/27/89, item F-11 the Board approved the public auction sale of a lease. 2022 rent. • Staff to explore with DOA the possibility of transfer under Act 90 selling a lease at public auction.

2022 to 2021 Comparison, Islands of the Maui County

rp7816	AOAO OF MAUI HILL	<ul style="list-style-type: none"> •2020<u>2022</u> rent was increased <u>by</u> 3% over 2019. 2021 rent remained the same. Staff recommends raising<u>increasing</u> rent 3% for 2022<u>2023</u> over 2021<u>2022</u> rent. •Permittee using only a portion of the parcel for landscaping, pedestrian path and maintenance. Staff to explore the possibility of selling a lease at public auction as there is a potential for significant revenue increase. A set aside to the County is also proposed.
rp7819	VELLINA, FELIX AND ROXANNE	<ul style="list-style-type: none"> •2020 rent was increased by approx 3% over 2019 rent. 2021 rent remained the same. Staff recommends increasing<u>maintaining</u> rent 3% for 2022 over 2021<u>2022</u> rent. —•<u>Parcels are landlocked, and odd shaped and in a very remote area. Maintenance by State would be very difficult.</u> •Staff to explore with DOA the possibility of transfer under Act 90.
rp7822	REDO, VALENTINE	<ul style="list-style-type: none"> •2020 rent was increased by 3% over 2019. 2021 rent <u>2022 rent</u> remained the same. Staff recommends increasing as 2021 rent. MDLO recommended no increase in rent 3% again for 2022 over 2021 rent. <u>2023 due to existing constraints that limit the economic potential of the property.</u> •Staff to explore the possibility of selling a lease at public auction.
rp7824	KAIWI, JULIA	<ul style="list-style-type: none"> •2020 rent was increased by 3% over 2019. 2021 rent remained the same. Staff recommends increasing rent 3% for 2022 over 2021 rent. •Infeasible to auction due to size and use of parcels. •Staff to explore with DOA the possibility of transfer under Act 90.
rp7846	SCOTT, LURLYN	<ul style="list-style-type: none"> •2020 rent was increased by approx 3% over 2019. 2021 rent remained the same. Staff recommends increasing<u>maintaining current</u> rent 3% for <u>2023 over 2022 over 2021 rent.</u> •<u>rent. •This would be consistant with other parcels of similar size and constraints that include being land locked, steep topography with only a portion of lands actively cultivated for traditional and customary purposes.</u> •<u>No access from public road. Parcel Landlocked.</u> -staff to explore with DOA the possibility of transfer under Act 90.
rp7864	COSTON, JOHN AND GLORIA	<ul style="list-style-type: none"> •2020<u>2022</u> rent was increased by 3% over 2019. 2021 rent remained the same. Staff recommends increasing rent 3% for 2022<u>2023</u> over 2021 rent. •Size of parcel and lack of interest make public auction of lease

2022 to 2021 Comparison, Islands of the Maui County

		unfeasible. 2022 rent. • Staff to explore with DOA the possibility of transfer under Act 90. • <u>land being used for storage purposes.</u>
rp7868	ASSOCIATION OF APARTMENT OWNERS <u>AOAO KIHEI SURFSIDE</u>	<ul style="list-style-type: none"> • 20202022 rent was increased <u>by</u> 3% over 2019. 2021 rent remained the same. Staff recommends increasing rent 3% for 20222023 over 20212022 rent. • Permittee using only a portion of parcel 001 for landscaping. The only access to the parcel from the public road is through permittee's property or over State owned land. The permit stipulates the public shall have full and unrestricted use of the cleared and landscaped permit areas at all times. Permittee shall post a sign reading that the area is open to the public.
rp7869	KELIIKOHA, NOEL AND LINDA	<ul style="list-style-type: none"> • 20202022 rent was increased by 3% over 2019. 2021 rent remained the same. Staff recommends increasing rent 3% for 20222023 over 20212022 rent. • DOFAW considering set-aside to connect mauka forest reserve to makai.
<u>rp7927</u>	<u>HAYWARD, TRACY</u>	• <u>New permittee as of 3/11/2022. Staff recommends increasing rent 3% for 2023 over 2022 rent.</u>
rp7932	AOAO OF MILOWAI-MAALAEA	<ul style="list-style-type: none"> • New RP, 2021 initial rent. Staff recommends increasing rent 3% for 2022 over 2021 rent. • <u>New RP, 2021 initial rent. Rent was terminated 6/7/2021 because permittee removed the sandbags. The RP remains open as the insurance needs to stay in place until the easement is approved. Fiscal memo was processed to stop rent. Easement is still pending.</u>
<u>rp7943</u>	<u>WEST MAUI RESORT PARTNERS</u>	• <u>New RP as of 3/1/2022. Staff recommends increasing rent 3% for 2023 over 2022 rent.</u>
<u>rp7946</u>	<u>NAPILI BAY & BEACH FOUNDATION INC.</u>	• <u>Gratis. Public access easement.</u>

2023 Maui- Revocable Permits

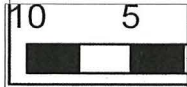
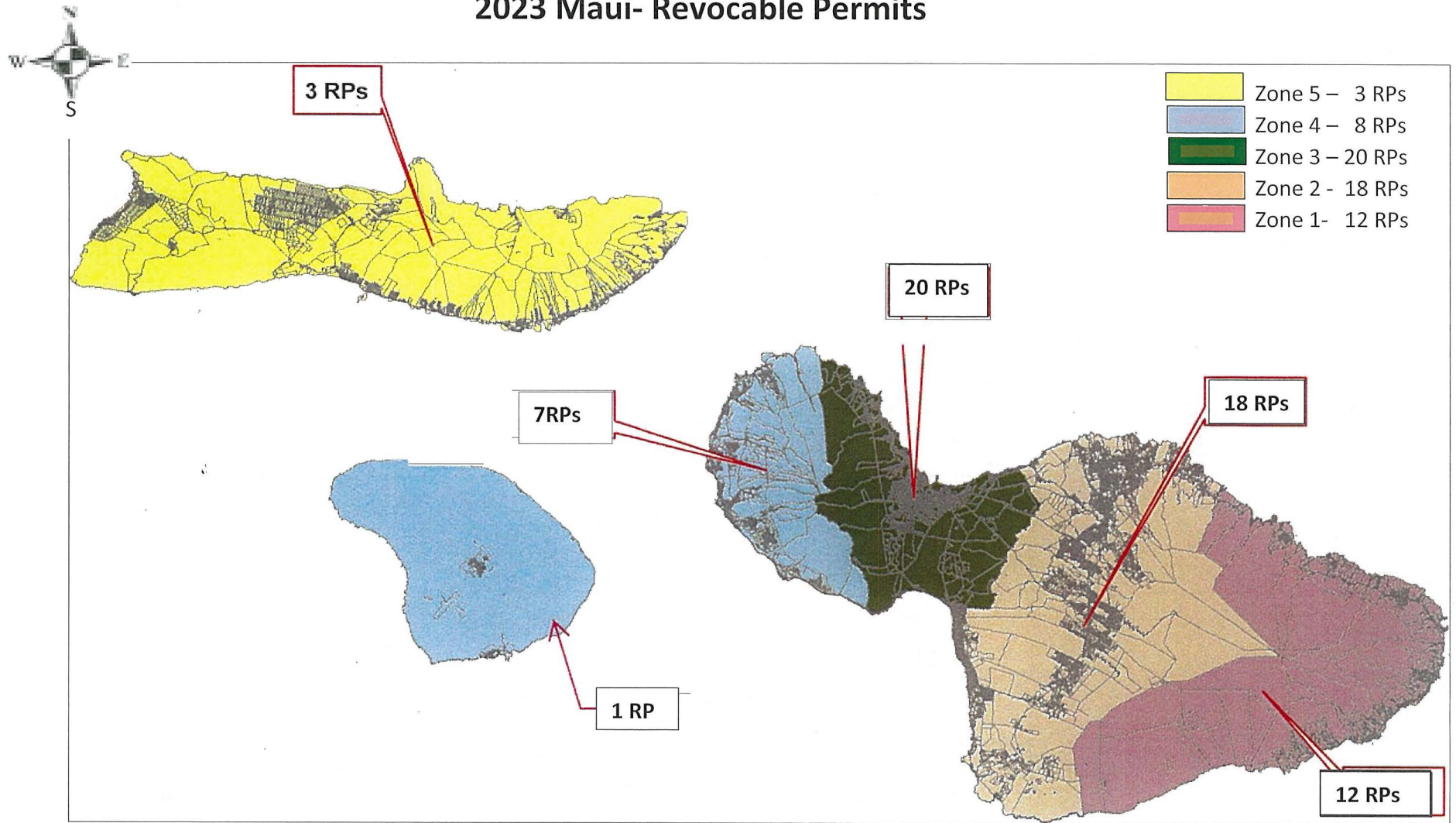
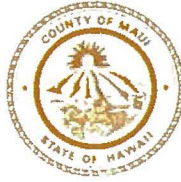


EXHIBIT 4

MICHAEL P. VICTORINO
Mayor
MICHELE CHOUTEAU MCLEAN, AICP
Director
JACKY TAKAKURA
Deputy Director



DEPARTMENT OF PLANNING
COUNTY OF MAUI
ONE MAIN PLAZA
2200 MAIN STREET, SUITE 315
WAILUKU, MAUI, HAWAII 96793



September 7, 2022

Mr. Michael Ferreira, Land Agent V
Department of Land and Natural Resources (DLNR)
Land Division
P.O. Box 621
Honolulu, Hawaii 96809

Transmitted via email: Michael.H.Ferreira@Hawaii.gov

Dear Mr. Ferreira:

**SUBJECT: RESPONSE TO REQUEST FOR COMMENTS – 2022
ANNUAL RENEWAL OF REVOCABLE PERMITS FOR
THE COUNTY OF MAUI (RFC 2022/00070)**

Location: Maui County, Hawaii
Description: Department of Land and Natural Resources, Land Division Renewal of
Annual Permits on Various Parcels of State Land

The Department of Planning (Department) is in receipt of your letter dated August 29, 2022 and transmitted August 30, 2022 requesting comments on the above referenced annual renewal of Maui County Revocable Permits (RPs). Comments were requested by September 7, 2022. The Department submitted a request for a comment extension was on September 2, 2022, and followed up on September 6 after the holiday weekend. We were informed this extension was not feasible due to the scheduled September 23, 2022 meeting date of the Board of Land and Natural Resources. This is unfortunate, particularly as nearly a dozen Tax Map Keys (TMK) were incorrectly listed in the transmission letter and Exhibits 1 and 2, limiting the extent of this review. As such, the Department is submitting general comments here including the request that in the future RP review requests such as this be provided at least 30 days in advance of the scheduled meeting to allow for time to review and comment on these important land use management and planning decisions.

In the first table included in the body of the letter nine revocable permits (RPs) are listed that were recommended to maintain rent charges at the 2022 rate due to existing constraints that limit the economic potential of the property. Six of the properties listed in the table are located within the special management area (SMA), but are not identified as shoreline parcels or parcels within the sea level rise exposure area (SLRXA). In general, the Department is supportive of continuation of leases of state lands for low-impact and beneficial uses that include implementation of best management practices such as the agricultural and community center operations reflected in this table. Specific to the nine RPs listed, the remarks in the table indicate

that RP-6121 for Kahakuloa Protestant Church and Community Center needs infrastructure improvements and will be converted to a long-term lease. The Department encourages early coordination with planning to support next steps with their SMA application when they are ready to pursue that for infrastructure repairs.

In the second table included in the body of the letter two RPs that have been canceled or that are in the process of being canceled are listed. The Tax Map Key (TMK) for RP7935 was incomplete but the use “erosion control” and remark “removed” are curious – if the site was properly stabilized such that erosion control is no longer necessary this detail would be helpful in remarks to contextualize RP removal and support further analysis. The Department has requested confirmation for this and other incomplete TMKs, but lacking necessary information on this point, the Department reserves further comments at this time.

As described in Exhibit 1 of your transmittal, renewal of annual RPs is exempted from full environmental assessment review under HAR § 11-200.1-15 and the Exemption List for the Department of Land and Natural Resources (DLNR). This exemption covers “[o]perations, 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 includes “[p]ermits, licenses, registrations and rights of entry issued by the Department [DLNR] that are routine in nature, involving negligible impacts beyond that previously existing”.

The “Revocable Permit Master List” provided in Exhibit 2 (Master List) identifies types of permits, land trust status, character of use, and tracks comments as well as changes in 2021 annual rent and 2022 proposed rent. As noted in the Department’s comments provided last year and detailed further in the comments that follow, it would be helpful to include an additional classification for shoreline and Special Management Area (SMA) properties so that renewals or conversions of renewals to easements in these areas could reflect conditions and potentially provide incentives or additional support for projects that are consistent with state and county regulations and use policies. Lacking that detail in the table provided, the Department has reviewed Exhibit 2 for properties in the SMA, shoreline, and SLR-XA area to further inform these comments. Given the short review period, the Department further notes these comments are as complete as possible and that additional comments are reserved particularly as they pertain to properties within the SMA, shoreline area, and identified SLR-XA.

Overall, it seems reasonable to conclude that renewal of permits that do not change the existing use would have minimal or no significant effect on the environment and therefore can be presumed to be exempt from the requirement of preparation of an environmental assessment. An example of a RP permit renewal template would be helpful to further support this analysis. Lacking that, it is suggested that DLNR consider including very explicit permit conditions, if not included already in RPs, to clarify expectations regarding routine maintenance and repairs that also flag necessary coordination and permitting requirements with the Department where appropriate.

Such clarification is particularly important in the shoreline area, where regular maintenance of vegetation is necessary to reduce potential impacts of encroachment to coastal systems and such regular maintenance should be encouraged if not required. Additionally, specifying that “repairs” must be “like for like” meaning the use of the same material(s) at the same length, width, and depth would be helpful. This would help clarify recent state-level restrictions on building new sea wall structures and emphasize limits of what constitutes repairs that are exempt from additional review. A clear condition specific to shoreline parcels that may conduct repairs pursuant to these RPs would help support permittee understanding of allowable uses, streamline maintenance applications, and support alignment with state and county requirements. This is an especially significant consideration as the Department works to apply the state-established SLR-XA for planning purposes. Currently, projects that are located within the SLR-XA are being required to develop and provide a “mitigation program” that discusses and describes how risks of sea level change will be addressed at a project site. To support uniformity in planning and put leasees on notice of their risk of exposure to and the need to preventatively address impacts from sea level rise, storm surge, and erosion, a similar approach is encouraged for state-owned parcels where ongoing operations or development may be impacted by coastal hazards. We would be happy to share the internal guidance we are using to support the documentation of “mitigation program” details for planning and project permitting purposes if that would be helpful upon request.

As also noted in last year’s comment, the Department finds inclusion of this clarification for shoreline parcels and parcels within the SLR-XA would be especially timely and relevant given the recent codification of Act 16 relating to Coastal Zone Management and in light of several applications for “repairs” of existing shoreline structures that have recently been submitted. Some of these applications appear to propose expanding the footprint or depth or changing the material of the existing structure, activities that go beyond the extent of “repair”. Similarly, given the clear mandates of Act 16 to protect, preserve, and where desirable, restore or improve the quality of coastal scenic and open space resources and protect valuable coastal ecosystems from disruption, as well as increasing interest and costs of beach renourishment, further considerations of efforts to streamline and send price signals to permittees to support these management goals would seem beneficial. Such coordination and ongoing support of proactive shoreline management is reflected by RP7618 for Stable Road, which is being converted to an easement to support ongoing beach management – the Department is generally supportive of such efforts and, being familiar with this site, offers our support and thanks for the continued support of this restoration initiative which can serve as a model for best practices in project planning and implementation for Maui Nui.

Considering limitations on uses within the shoreline and SLR-XA, early coordination with the Department would seem prudent when re-issuing leases for properties subject to these rules. For example, for RP7484, rent was increased by 20% over 2021 and remarks indicate staff have recommended another 20% increase to support the commercial use of the patio/lanai in conjunction with bar and restaurant activities on the permittee’s adjacent property. Remarks note this RP will be converted to an easement. Although this use and temporary expansion was allowed under emergency declarations relevant to Covid-19, it is anticipated that permission will

sunset this month. To ensure RPs do not appear to be authorizing unpermitted or unpermissible activities within the SMA and shoreline setback area and the identified SLRXA, additional timely coordination with the Department and transmission of issuance of leases or easements that abut shoreline TMKs is requested.

More details are needed to support analysis and additional comments regarding current and proposed "erosion repair" for RP7943 and transition of RP7932 to an easement where rent was terminated due to the fact that the permittee removed sandbags, but the comment regarding the need to establish and implement mitigation programs to address coastal hazards at shoreline sites where these risks have been identified appears to be relevant to these locations.

The Department also recognizes the importance of maintaining public shoreline access and would suggest future RPs consider opportunities to incentivize access maintenance and improvements. Particularly given the aging population and increasing interest in ADA accessibility, coordination with ADA specialists and discussion regarding possibilities to offset permit fee reductions through ADA funding support may be worth considering for future RPs. With this in mind, the Department is very supportive of the proposed gratis lease for beach stair access reflected in RP7946 and encourage ongoing coordination to further expand access points to include ADA accessibility where viable and appropriate. Conversely, the continued lease of RP7343 for exclusive use of the pier at Club Lanai does not appear to be entirely consistent with public access mandates. For leases that propose privatizing shoreline access in this nature, it is suggested that lease conditions include provisions to ensure vertical and lateral shoreline access or enhance access at a nearby public shoreline access site.

In light of the need to support continued coordination regarding customary public uses of state lands, the Department notes that, as reflected in the remarks provided in Exhibit 2, RP 7780 for Ruby and Sons Hospitality LLC involves ongoing discussions with the County regarding parking access. The remarks provided by DLNR state that there "is a potential for a set aside to the County in light of a settlement agreement related to an existing zoning variance for parking purposes or sale of lease at a public auction" (Exhibit 2, pg. 10). However, the magnitude of current use and access issues at this site warrants further discussion. It is the Department's understanding that this private entity is leasing a parcel used for highly valued public parking access to Keawakapu Beach in combination with past and/or present and/or future use to provide parking to serve the private commercial parcel adjoining to its south. As noted, permissions to continue the uses of the lot and make improvements to it are currently being addressed further through applications made for consideration by the Maui Planning Commission and the County Council. Once such determinations have been made through their respective processes, it would seem this pending matter will be sufficiently settled to warrant additional review and comments at a future annual RP review to support further alignment with those forthcoming decisions. That being said, given the contiguity of this property to the shoreline, it appears the proposed rent to the State of \$4,635 annually – although increased from prior years – is still low and may be far below market value for access and parking stalls at this location. As such, the Department encourages DLNR to revisit the fee assessment and consider augmenting the assessed fee as appropriate to reflect the high value of this location.

Mr. Michael Ferreira, Land Agent V
September 7, 2022
Page 5

Given the short review period, changes tracked and reflected in Exhibit 3 were not reviewed. As also stated in last year's comment, the Department welcomes the opportunity to continue to support DLNR as conversations regarding streamlining permits, implementing small scale beach nourishment, supporting public access maintenance and enhancement, and conducting necessary structural maintenance and repairs continue.

With the consideration of the concerns flagged regarding timing of review and the proposed RP renewals detailed further here, the Department is generally supportive of annual RP renewals that DLNR has provided. Given opportunities for enhanced alignment with shared shoreline access and management activities, the Department further encourages the inclusion of appropriate and clear conditions that will put permittees on notice regarding regulations and policies that may further inform expectations and clarify the extent of the approved use. The Department also appreciates the ongoing coordination and support of DLNR in ensuring public access, addressing encroachments, and implementing essential shoreline management activities that protect and enhance coastal processes. As such, the Department recommends that DLNR include maintenance and repair conditions for shoreline TMKs where the character of use would involve maintaining vegetation or dune systems as well as maintaining and repairing existing built infrastructure.

The Department further suggests continuing consideration of innovative approaches to incentivizing regular maintenance, repairs, and enhancement activities that will result in streamlined permitting as well as sustainable and beneficial outcomes in the shoreline and SMA areas moving forward. Given staff turnover and the recent hiring of additional personnel at the Department, we would welcome the opportunity to convene to meet with your staff and our newly expanded Shoreline Team to discuss policy alignment and opportunities for enhanced partnership further.

Thank you for the opportunity to comment on this annual RP renewal transmission. Should you have any questions about the comments in this letter, or if DLNR chooses to initiate further discussions about how to support shoreline maintenance and enhancement activities in RP renewal permits or otherwise moving forward, please contact Staff Planner Erin Derrington at erin.derrington@mauicounty.gov or at (808) 270-5537.

Sincerely,



ANN CUA
Planning Program Administrator

for MICHELE MCLEAN, AICP
Planning Director