



STATE OF HAWAII  
DEPARTMENT OF TRANSPORTATION  
869 PUNCHBOWL STREET  
HONOLULU, HAWAII 96813-5097

JADE T. BUTAY  
DIRECTOR

Deputy Directors  
ROSS M. HIGASHI  
EDUARDO P. MANGLALLAN  
DAVID J. RODRIGUEZ  
EDWIN H. SNIFFEN

IN REPLY REFER TO:

Board of Land and  
Natural Resources  
State of Hawai'i  
Honolulu, Hawai'i

ISSUANCE OF A RIGHT-OF-ENTRY PERMIT TO MAUI OCEANVIEW LP FOR  
ACCESS PURPOSES OVER AKAHELE STREET, KAPALUA AIRPORT  
TAX MAP KEY: (2) 4-3-001:068 (PORTION) MAUI

APPLICANT:

Maui Oceanview LP, a Delaware limited partnership.

LEGAL REFERENCE:

Section 171-55, Hawai'i Revised Statutes (HRS), as amended.

LOCATION:

Portion of Akahale Street, which is under the jurisdiction of the State of Hawai'i, Department of Transportation (DOT), leading to Kapalua Airport from Honoapiilani Highway, Island of Maui, identified by Tax Map Key: 2<sup>nd</sup> Division, 4-3-001:068 (portion), as shown on the attached map labeled Exhibit A.

AREA:

2.361 acres, more or less, Akahale Street is Lot P-1 on H.S.S. Plat 1114-A, shown on the attached map labeled Exhibit B.

ZONING:

State Land Use: Agricultural (Akahale St.)/Urban (Kapalua Airport)  
County: Road (Akahale St.)/Airport (Kapalua Airport)

LAND TITLE STATUS:

Section 5(a), Hawai'i Admission Act: Non-Ceded  
DHHL, 30% entitlement lands Yes ☐ No ☒

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CURRENT USE STATUS:

Land encumbered under Governor's Executive Order No. 4552 (dated April 5, 2018) setting aside 57.296 acres designated as Kapalua-West Maui Airport to be under the control and management of DOT for airport purposes.

CHARACTER OF USE:

Roadway access and utility purposes.

TERM:

The term will commence upon execution of the ROE and continue in perpetuity.

CONSIDERATION:

Gratis.

CHAPTER 343, HRS – ENVIRONMENTAL ASSESSMENT:

The impacts of the proposed Right of Entry for access purposes over Akahele Street have been identified and analyzed in the Pulelehua Final Environmental Impact Statement (FEIS), that was accepted by the Land Use Commission on July 13, 2005, and published by the Office of Environmental Quality Control in The Environmental Notice on August 8, 2005. The Pulelehua FEIS is still valid and relevant mitigation measures from the FEIS will be implemented to address the minimal impacts of this action.

DCCA VERIFICATION:

Place of business registration confirmed:	YES <u>X</u>	NO <u>    </u>
Registered business name confirmed:	YES <u>X</u>	NO <u>    </u>
Good standing confirmed:	YES <u>X</u>	NO <u>    </u>

REMARKS:

In June 2006, Maui Land & Pineapple Company, Inc. received approval from the Land Use Commission (LUC) to amend the State Land Use District Boundary designation from the Agricultural District to the Urban District for the development of a master planned residential community identified as Pulelehua on approximately 310 acres of land surrounding Kapalua Airport (Docket No. A04-751), as shown on the attached map labeled Exhibit C.

In June 2016, Maui Land & Pineapple Company, Inc. conveyed the 310 acres of land together with its land entitlements to Maui Oceanview LP. As a condition of the LUC's Decision and Order for Docket No. A04-751, Maui Oceanview LP as the new landowner, is required to enter into an agreement with DOT for access to, and use of Akahele Street.



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ACCESS PURPOSES OVER AKAHELE STREET, KAPALUA AIRPORT  
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Numerous meetings with both DOT and Maui Oceanview LP were held to discuss and negotiate terms and conditions for the use of Akahele Street. In January 2022, a Memorandum of Agreement (MOA) was executed which documented the parties' understandings, obligations and agreements regarding the future use, improvements, and maintenance of Akahele Street in connection with the Pulelehua project.

The MOA required a separate right-of-entry permit to be executed for Maui Oceanview LP's perpetual use of Akahele Street. In consideration of DOT issuing the non-exclusive right-of-entry permit at no charge, Maui Oceanview LP will replace DOT's current, aging potable water and wastewater systems that serve Kapalua Airport and allow DOT to connect to the Pulelehua project's potable water and wastewater systems. Additionally, Maui Oceanview LP will be responsible for all maintenance, operation and liability for that portion of Akahele Street under the right-of-entry permit.

Issuance of a non-exclusive right-of-entry permit will allow Maui Oceanview LP to proceed with the planning, construction, and development of the Pulelehua Project, subject to other government approvals.

RECOMMENDATION: That the Board:

Approve the issuance of a non-exclusive right-of-entry permit to Maui Oceanview LP covering the subject area under the terms and conditions that addresses/considers the remarks cited above, which are by this reference incorporated herein and further subject to the following:

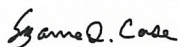
1. The standard terms and conditions of the most current right-of-entry permit form, as may be amended from time to time;
2. Review and approval by the Department of the Attorney General; and
3. Such other terms and conditions as may be prescribed by the Chairperson or the Director of Transportation to best serve the interests of the State.

Respectfully submitted,



JADE T. BUTAY  
Director of Transportation

APPROVED FOR SUBMITTAL:



SUZANNE D. CASE  
Chairperson  
Board of Land and Natural Resources



EXHIBIT A



FOREST  
MAUI  
WEST  
1-2-3

SECTION 2, K  
PLAT 01

SECTION 4  
H O N O K O W A I

LAHAINA, LAHAINA, MAUI

L.C. No.	Owner	Tax Key	Area	L.C. No.	Owner	Tax Key	Area
3164	Maui Land of Pineapple Co., Inc.	4301-2	0.70 Ac.	3068	Maui Land of Pineapple Co., Inc.	4301-2	0.76 Ac.
3165-1	do	4301-2	0.70 Ac.	3069	do	4301-2	0.76 Ac.
3165-2	do	4301-2	0.70 Ac.	3070	do	4301-2	0.76 Ac.
3165-3	do	4301-2	0.70 Ac.	3071	do	4301-2	0.76 Ac.
3165-4	do	4301-2	0.70 Ac.	3072	do	4301-2	0.76 Ac.
3165-5	do	4301-2	0.70 Ac.	3073	do	4301-2	0.76 Ac.
3165-6	do	4301-2	0.70 Ac.	3074	do	4301-2	0.76 Ac.
3165-7	do	4301-2	0.70 Ac.	3075	do	4301-2	0.76 Ac.
3165-8	do	4301-2	0.70 Ac.	3076	do	4301-2	0.76 Ac.
3165-9	do	4301-2	0.70 Ac.	3077	do	4301-2	0.76 Ac.
3165-10	do	4301-2	0.70 Ac.	3078	do	4301-2	0.76 Ac.
3165-11	do	4301-2	0.70 Ac.	3079	do	4301-2	0.76 Ac.
3165-12	do	4301-2	0.70 Ac.	3080	do	4301-2	0.76 Ac.
3165-13	do	4301-2	0.70 Ac.	3081	do	4301-2	0.76 Ac.
3165-14	do	4301-2	0.70 Ac.	3082	do	4301-2	0.76 Ac.
3165-15	do	4301-2	0.70 Ac.	3083	do	4301-2	0.76 Ac.
3165-16	do	4301-2	0.70 Ac.	3084	do	4301-2	0.76 Ac.
3165-17	do	4301-2	0.70 Ac.	3085	do	4301-2	0.76 Ac.
3165-18	do	4301-2	0.70 Ac.	3086	do	4301-2	0.76 Ac.
3165-19	do	4301-2	0.70 Ac.	3087	do	4301-2	0.76 Ac.
3165-20	do	4301-2	0.70 Ac.	3088	do	4301-2	0.76 Ac.
3165-21	do	4301-2	0.70 Ac.	3089	do	4301-2	0.76 Ac.
3165-22	do	4301-2	0.70 Ac.	3090	do	4301-2	0.76 Ac.
3165-23	do	4301-2	0.70 Ac.	3091	do	4301-2	0.76 Ac.
3165-24	do	4301-2	0.70 Ac.	3092	do	4301-2	0.76 Ac.
3165-25	do	4301-2	0.70 Ac.	3093	do	4301-2	0.76 Ac.
3165-26	do	4301-2	0.70 Ac.	3094	do	4301-2	0.76 Ac.
3165-27	do	4301-2	0.70 Ac.	3095	do	4301-2	0.76 Ac.
3165-28	do	4301-2	0.70 Ac.	3096	do	4301-2	0.76 Ac.
3165-29	do	4301-2	0.70 Ac.	3097	do	4301-2	0.76 Ac.
3165-30	do	4301-2	0.70 Ac.	3098	do	4301-2	0.76 Ac.
3165-31	do	4301-2	0.70 Ac.	3099	do	4301-2	0.76 Ac.
3165-32	do	4301-2	0.70 Ac.	3100	do	4301-2	0.76 Ac.
3165-33	do	4301-2	0.70 Ac.	3101	do	4301-2	0.76 Ac.
3165-34	do	4301-2	0.70 Ac.	3102	do	4301-2	0.76 Ac.
3165-35	do	4301-2	0.70 Ac.	3103	do	4301-2	0.76 Ac.
3165-36	do	4301-2	0.70 Ac.	3104	do	4301-2	0.76 Ac.
3165-37	do	4301-2	0.70 Ac.	3105	do	4301-2	0.76 Ac.
3165-38	do	4301-2	0.70 Ac.	3106	do	4301-2	0.76 Ac.
3165-39	do	4301-2	0.70 Ac.	3107	do	4301-2	0.76 Ac.
3165-40	do	4301-2	0.70 Ac.	3108	do	4301-2	0.76 Ac.
3165-41	do	4301-2	0.70 Ac.	3109	do	4301-2	0.76 Ac.
3165-42	do	4301-2	0.70 Ac.	3110	do	4301-2	0.76 Ac.
3165-43	do	4301-2	0.70 Ac.	3111	do	4301-2	0.76 Ac.
3165-44	do	4301-2	0.70 Ac.	3112	do	4301-2	0.76 Ac.
3165-45	do	4301-2	0.70 Ac.	3113	do	4301-2	0.76 Ac.
3165-46	do	4301-2	0.70 Ac.	3114	do	4301-2	0.76 Ac.
3165-47	do	4301-2	0.70 Ac.	3115	do	4301-2	0.76 Ac.
3165-48	do	4301-2	0.70 Ac.	3116	do	4301-2	0.76 Ac.
3165-49	do	4301-2	0.70 Ac.	3117	do	4301-2	0.76 Ac.
3165-50	do	4301-2	0.70 Ac.	3118	do	4301-2	0.76 Ac.
3165-51	do	4301-2	0.70 Ac.	3119	do	4301-2	0.76 Ac.
3165-52	do	4301-2	0.70 Ac.	3120	do	4301-2	0.76 Ac.
3165-53	do	4301-2	0.70 Ac.	3121	do	4301-2	0.76 Ac.
3165-54	do	4301-2	0.70 Ac.	3122	do	4301-2	0.76 Ac.
3165-55	do	4301-2	0.70 Ac.	3123	do	4301-2	0.76 Ac.
3165-56	do	4301-2	0.70 Ac.	3124	do	4301-2	0.76 Ac.
3165-57	do	4301-2	0.70 Ac.	3125	do	4301-2	0.76 Ac.
3165-58	do	4301-2	0.70 Ac.	3126	do	4301-2	0.76 Ac.
3165-59	do	4301-2	0.70 Ac.	3127	do	4301-2	0.76 Ac.
3165-60	do	4301-2	0.70 Ac.	3128	do	4301-2	0.76 Ac.
3165-61	do	4301-2	0.70 Ac.	3129	do	4301-2	0.76 Ac.
3165-62	do	4301-2	0.70 Ac.	3130	do	4301-2	0.76 Ac.
3165-63	do	4301-2	0.70 Ac.	3131	do	4301-2	0.76 Ac.
3165-64	do	4301-2	0.70 Ac.	3132	do	4301-2	0.76 Ac.
3165-65	do	4301-2	0.70 Ac.	3133	do	4301-2	0.76 Ac.
3165-66	do	4301-2	0.70 Ac.	3134	do	4301-2	0.76 Ac.
3165-67	do	4301-2	0.70 Ac.	3135	do	4301-2	0.76 Ac.
3165-68	do	4301-2	0.70 Ac.	3136	do	4301-2	0.76 Ac.
3165-69	do	4301-2	0.70 Ac.	3137	do	4301-2	0.76 Ac.
3165-70	do	4301-2	0.70 Ac.	3138	do	4301-2	0.76 Ac.
3165-71	do	4301-2	0.70 Ac.	3139	do	4301-2	0.76 Ac.
3165-72	do	4301-2	0.70 Ac.	3140	do	4301-2	0.76 Ac.
3165-73	do	4301-2	0.70 Ac.	3141	do	4301-2	0.76 Ac.
3165-74	do	4301-2	0.70 Ac.	3142	do	4301-2	0.76 Ac.
3165-75	do	4301-2	0.70 Ac.	3143	do	4301-2	0.76 Ac.
3165-76	do	4301-2	0.70 Ac.	3144	do	4301-2	0.76 Ac.
3165-77	do	4301-2	0.70 Ac.	3145	do	4301-2	0.76 Ac.
3165-78	do	4301-2	0.70 Ac.	3146	do	4301-2	0.76 Ac.
3165-79	do	4301-2	0.70 Ac.	3147	do	4301-2	0.76 Ac.
3165-80	do	4301-2	0.70 Ac.	3148	do	4301-2	0.76 Ac.
3165-81	do	4301-2	0.70 Ac.	3149	do	4301-2	0.76 Ac.
3165-82	do	4301-2	0.70 Ac.	3150	do	4301-2	0.76 Ac.
3165-83	do	4301-2	0.70 Ac.	3151	do	4301-2	0.76 Ac.
3165-84	do	4301-2	0.70 Ac.	3152	do	4301-2	0.76 Ac.
3165-85	do	4301-2	0.70 Ac.	3153	do	4301-2	0.76 Ac.
3165-86	do	4301-2	0.70 Ac.	3154	do	4301-2	0.76 Ac.
3165-87	do	4301-2	0.70 Ac.	3155	do	4301-2	0.76 Ac.
3165-88	do	4301-2	0.70 Ac.	3156	do	4301-2	0.76 Ac.
3165-89	do	4301-2	0.70 Ac.	3157	do	4301-2	0.76 Ac.
3165-90	do	4301-2	0.70 Ac.	3158	do	4301-2	0.76 Ac.
3165-91	do	4301-2	0.70 Ac.	3159	do	4301-2	0.76 Ac.
3165-92	do	4301-2	0.70 Ac.	3160	do	4301-2	0.76 Ac.
3165-93	do	4301-2	0.70 Ac.	3161	do	4301-2	0.76 Ac.
3165-94	do	4301-2	0.70 Ac.	3162	do	4301-2	0.76 Ac.
3165-95	do	4301-2	0.70 Ac.	3163	do	4301-2	0.76 Ac.
3165-96	do	4301-2	0.70 Ac.	3164	do	4301-2	0.76 Ac.
3165-97	do	4301-2	0.70 Ac.	3165	do	4301-2	0.76 Ac.
3165-98	do	4301-2	0.70 Ac.	3166	do	4301-2	0.76 Ac.
3165-99	do	4301-2	0.70 Ac.	3167	do	4301-2	0.76 Ac.
3165-100	do	4301-2	0.70 Ac.	3168	do	4301-2	0.76 Ac.

Taxation Maps Bureau  
Territory of Hawaii  
TAX MAP  
SECOND DIVISION  
ZONE 1 SEC 1 PLAT 01  
CONTAINING PARCELS  
SCALE 1 IN. = 1000 FT.

Parcel 31  
Maui Land of Pineapple Co., Inc.

Parcel 32  
Maui Land of Pineapple Co., Inc.

Parcel 33  
Maui Land of Pineapple Co., Inc.

Parcel 34  
Maui Land of Pineapple Co., Inc.

Parcel 35  
Maui Land of Pineapple Co., Inc.

Parcel 36  
Maui Land of Pineapple Co., Inc.

Parcel 37  
Maui Land of Pineapple Co., Inc.

Parcel 38  
Maui Land of Pineapple Co., Inc.

Parcel 39  
Maui Land of Pineapple Co., Inc.



# EXHIBIT B

STATE OF HAWAII  
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES  
SURVEY DIVISION

REID K. SMITH - State Land Surveyor  
(REVISED-JANUARY 2018)

KAPALUA-WEST MAUI AIRPORT  
PARTS A AND B

Mahinahina 1, 2, 3 and Kahana, Lahaina, Maui, Hawaii

Scale: 1 inch = 200 feet  
January 12, 2018

Job No. MA-283(17)  
Tracing by: G. Yonashiro

For Description: See C.S.C. No. 25,666  
H.S.S. PLAT 1114-A





# EXHIBIT C

