



**STATE OF HAWAI'I | KA MOKU'ĀINA 'O HAWAI'I**  
**DEPARTMENT OF TRANSPORTATION | KA 'OIHANA ALAKAU**  
869 PUNCHBOWL STREET  
HONOLULU, HAWAII 96813-5097

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

APPROVAL FOR ACQUISITION OF AN AVIGATION EASEMENT OVER  
PRIVATE LANDS OF GENTRY KALAELOA, LLC AND HCHP1 LLC AND SET  
ASIDE TO THE STATE OF HAWAII, DEPARTMENT OF TRANSPORTATION,  
SITUATE AT HONOULIULI, EWA, OAHU, STATE OF HAWAII, TAX MAP KEY:  
(1) 9-1-013:197, 198 AND 199. OAHU

APPLICANT AGENCY:

State of Hawaii, Department of Transportation, (HDOT).

PRIVATE LANDOWNERS:

Gentry Kalaeloa, LLC, a Hawaii limited liability company, whose mailing address is  
c/o Gentry Homes, Ltd., P.O. Box 295, Honolulu, Hawaii 96809, and HCHP1 LLC, a  
Delaware limited liability company, whose mailing address is 737 Bishop Street,  
Suite 2750, Honolulu, Hawaii 96813 (collectively referred to as "Grantors").

LEGAL REFERENCE:

Sections 107-10, 171-11, 171-30, 261-4 and 262-11, Hawaii Revised Statutes (HRS),  
as amended.

LOCATION:

Avigation easement over privately-owned lands situated at Honouliuli, Ewa, Oahu,  
State of Hawaii, identified as Tax Map Key: (1) 9-1-013:197, (1) 9-1-013:198 and  
(1) 9-1-013:199, as shown on the attached map labeled Exhibit A.

AREA:

(1) 9-1-013:197	10.395 acres, more or less. (Gentry Kalaeloa, LLC)
(1) 9-1-013:198	8.556 acres, more or less. (HCHP1 LLC)
(1) 9-1-013:199	10.857 acres, more or less. (HCHP1 LLC)
<b>TOTAL:</b>	<b>29.808 acres, more or less.</b>

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ZONING:

State Land Use:	Urban
County:	F-1 Military and Federal Preservation
Kalaeloa Community Development District:	General Urban Zone

LAND TITLE STATUS:

Section 5(a), Hawaii Admission Act: Non-Ceded  
DHHL, 30% entitlement lands Yes \_\_\_\_\_ No X

CURRENT USE STATUS:

The properties are currently unimproved vacant lands. Grantors are in the process of obtaining necessary approvals to begin construction of a proposed residential community on private lands in the vicinity of Kalaeloa Airport.

CHARACTER OF USE:

A perpetual, non-exclusive avigation easement, appurtenant to Kalaeloa Airport, for the free and unobstructed aircraft flight and passage, and operations and effects of all types of aircraft.

CONSIDERATION:

Gratis, easement to be conveyed to the State of Hawaii pursuant to the Hawaii Community Development Authority's Findings of Fact, Conclusions of Law, Decision and Order in Application No. KAL 21-005, dated February 2, 2022.

CHAPTER 343, HRS – ENVIRONMENTAL ASSESSMENT:

The State of Hawaii, Department of Transportation, has determined that the impacts of this action are de minimis and exempt pursuant to the Department of Transportation, Comprehensive Exemption List, Type 8, Part 1, 8(e.), concurred to by the Environmental Advisory Council on February 1, 2022.

Accordingly, Type 8, Part 1, exempts "DOT administrative activities and operations that would not result in direct, indirect or cumulative adverse impacts to the environment. These types of actions include but are not limited to:

8.e. Acquisition and/or exchange of property for public use, including but not limited to: easements, minor subdivision and consolidation of parcels for public use such as rounding corners or minor street widening."

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>
Grantors in good standing confirmed:	YES <u>X</u>	NO <u>___</u>

GRANTOR REQUIREMENTS:

1. Provide survey maps and descriptions for the privately-owned properties according to State Department of Accounting and General Services Survey Division standards and at its own cost; and
2. Obtain title reports for the privately-owned properties at its own cost and subject to review and approval by HDOT.

REMARKS:

The subject lands are within the Kalaeloa Community Development District under the responsibility of the Hawaii Community Development Authority (HCDA).

In October 2021, Gentry Kalaeloa, LLC (Gentry) submitted to HCDA a Development Permit Application to build a project consisting of approximately 390 multi-family and single-family residential units on approximately 29.8 acres located at the southeast corner of Kamokila Boulevard Extension and Franklin Delano Roosevelt Avenue.

Gentry’s proposed development is located approximately a half-mile from the property boundary of Kalaeloa Airport. Due to the potential impacts of aircraft operations to the proposed development, HDOT required Gentry to enter into an avigation easement that covers the entire development.

HCHP1 LLC, a subsidiary of Hunt Communities Hawaii, LLC, also owns lands within Gentry’s proposed residential development.

Acquisition of the avigation easement will secure Kalaeloa Airport’s airspace for airport protection and for noise compatibility with the surrounding uses. The avigation easement will run with the land and will apply to any future owners of Grantor’s lands.

RECOMMENDATION: That the Board:

1. Authorize the acquisition of the subject perpetual avigation easement under the terms and conditions cited above which are by this reference incorporated herein and further subject to the following:
  - a. The terms and conditions of the most current avigation easement document, as may be amended;



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- b. Review and approval by the Department of the Attorney General; and
  - c. Such other terms and conditions as may be prescribed by the Director of Transportation or the Chairperson of the Board of Land and Natural Resources to best serve the interests of the State.
2. Approve of and recommend to the Governor the issuance of an executive order setting aside the subject avigation easement to the State of Hawaii, Department of Transportation, under the terms and conditions cited above, which are by reference incorporated herein and subject further to the following:
- a. The standard terms and conditions of the most current executive order form, as may be amended from time to time;
  - b. Disapproval by the Legislature by two-thirds vote of either the House of Representatives or the Senate or by a majority vote by both in any regular or special session next following the date of the setting aside;
  - c. Review and approval by the Department of the Attorney General; and
  - d. Such other terms and conditions as may be prescribed by the Director of Transportation or the Chairperson of the Board of Land and Natural Resources to best serve the interests of the State.

Respectfully submitted,



EDWIN H. SNIFFEN  
Director of Transportation

APPROVED FOR SUBMITTAL:



DAWN N. S. CHANG  
Chairperson  
Board of Land and Natural Resources

