

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

February 27, 2026

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

Ref No. GL5206

Kaua'i

Amend General Lease No. 5206 to Kapaa Congregation of Jehovah's Witnesses, Lessee, for Church Site and Related Religious Purposes, Kapa'a, Kawaihau, Kaua'i, Tax Map Key: (4) 4-6-014:110

The purpose of amending the document is to change the lease language for future rental reopenings so that such reopenings will be based on the Board's then prevailing minimum rent policy.

APPLICANT:

Kapaa Congregation of Jehovah's Witnesses (Lessee) is recognized as a subordinate unit of Christian Congregation of Jehovah's Witness, a foreign nonprofit corporation, and an Internal Revenue Service Code Section 501(c)(3) tax-exempt organization.

LEGAL REFERENCE:

Section 171-43.1, Hawaii Revised Statutes (HRS), as amended.

LOCATION:

Portion of Government lands situated at Kapa'a, Kawaihau, Kaua'i, identified by Tax Map Key: (4) 4-6-014:110, as shown on the attached map labeled **Exhibit A**.

AREA:

2.547 acres, more or less.

ZONING:

State Land Use District: Urban
County of Kaua'i CZO: Special Treatment Public

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act

DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: NO

CHARACTER OF USE:

Encumbered by General Lease No. S-5206 for church site and related religious purposes

TERM OF LEASE:

Sixty-five (65) years, commencing on June 1, 1991, and expiring on May 31, 2056.

CHAPTER 343 – ENVIRONMENTAL ASSESSMENT:

Not applicable. The proposed action involves revising a provision of an existing lease and does not constitute a change in use or allows for construction or expansion of the existing use.

DCCA VERIFICATION:

Place of business registration confirmed:	YES
Registered business name confirmed:	YES
Applicant in good standing confirmed:	YES

Lessee is recognized as a subordinate unit of Christian Congregation of Jehovah’s Witnesses.

BACKGROUND:

At its meeting on August 11, 1989, item F-5, the Board of Land and Natural Resources (BLNR) authorized the issuance of a sixty-five (65) year direct lease to Kapaa Congregation of Jehovah’s Witnesses for church site and related religious purposes. General Lease No. S-5206 (GL5206) was issued effective June 1, 1991, and stated that reopenings shall be conducted on the fifteenth (15th), twenty-fifth (25th), thirty-fifth (35th), forty-fifth (45th), and fifty-fifth (55th) years of the term.

For the first 15 years of the lease term, Lessee paid a fair market value of \$4,350 per annum as in agreement with the original lease.

In its 15th year of reopening, GL5206 was amended at its meeting on April 27,

2007, under agenda item D-4, for the purpose of setting the annual rent, effective June 1, 2006 to May 31, 2016, to \$480 per annum as in accordance with the Minimum Rent Policy approved by the BLNR at its meeting on May 13, 2005, item D-19.

DISCUSSION:

The subsequent rent reopening, to be redetermined in the 25th year of GL5206, was to occur in 2016. Staff discovered that rent reopening was not completed and as is, is currently in the 35th year of the lease term. Nevertheless, staff recommends, pursuant to Section 171-43.1, HRS, that the Board continue to grant nominal consideration to an eleemosynary organization.

The Lessee completed construction of the church building during the first year of the lease and has consistently maintained the grounds, including landscaping of the property. Lessee has occupied the subject property for the past 35 years, establishing itself as a longstanding presence in the community, providing religious services and community support.

At the time of writing this submittal, Lessee is compliant with the terms and conditions of their leases and have not had a lease, permit, easement or other disposition of State lands terminated within the last five years due to non-compliance with such terms and conditions. There are no other pertinent issues or concerns, and staff recommends the Board authorize the requested amendment.

RECOMMENDATION:

That the Board:

1. Authorize the amendment of General Leases No. S-5206 by deleting paragraph C relating to the determination of rent upon reopening in its entirety subject to the terms and conditions cited above, and further subject to the following:
 - a. The most current amendment of lease form, as may be amended from time to time;
 - b. Replacing the entire paragraph C relating to determination of rent upon reopening with the following: "The annual rent reserved shall be reopened and redetermined on every tenth (10th) year during the term of the lease, subject to the Board policy on minimum rent applicable at the time of reopening.";

- c. Review and approval by the Department of the Attorney General; and
- d. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,

Ryanna Fernandez

Ryanna Fernandez
Project Development Specialist

SD

APPROVED FOR SUBMITTAL:



Ryan K. P. Kanaka'ole, Acting Chairperson

EXHIBIT A:



Figure 1: Island view of Kauai showing general location of subject property



Figure 2: Subject property TMK (4) 4-6-014-110