

State of Hawai'i  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
Division of State Parks  
Honolulu, Hawai'i

August 9, 2019

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

Kaua'i

AUTHORIZE THE DEPARTMENT OF LAND AND NATURAL RESOURCES, DIVISION OF STATE PARKS TO DIRECTLY NEGOTIATE A 15 YEAR LEASE WITH THE STORYBOOK THEATRE OF HAWAI'I, AN ELEEMOSYNARY ORGANIZATION, FOR ARTS EDUCATION AT LOTS 14, 90, AND 91 SITUATED AT PU'U KA PELE, WAIMEA (KONA), KAUA'I, HAWAI'I, TAX MAY KEY: (4) 1-4-002:024.

APPLICANT:

The Storybook Theatre of Hawaii a 501 (c)(3) organization (hereinafter Storybook).

DCCA VERIFICATION:

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

REQUEST:

Storybook, an eleemosynary organization, is requesting to directly negotiate with the Division of State Parks for a Kōke'e cabin lease for a term of 15 (fifteen) years.

LEGAL REFERENCE:

Hawai'i Revised Statutes (HRS) § 171-13, 171.55 and 171-43.1, as amended

LOCATION:

Lots 14, 90, and 91, Pu'u Ka Pele, Waimea (Kona) Kaua'i, Hawai'i, Tax Map Key: (4) 1-4-002:024 as shown on the attached map and aerial photo labeled Exhibit A

AREA:

Approximately 3.05 acres of improved and unpaved land

ZONING:

State Land Use District: Conservation  
Resources Subzone

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act

DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: YES \_\_\_\_\_ NO  X

CHAPTER 343 ENVIRONMENTAL ASSESSMENT:

In accordance with Hawai'i Administrative Rule Sections 11-200-8 and the Exemption List for the Department of Land and Natural Resources approved by the Environmental Council and dated June 5, 2015, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 1, Item 47 that states "Leases of state land involving negligible or no expansion or change of use beyond that previously existing". See exemption declaration attached as (see EXHIBIT B).

CURRENT USE STATUS:

Encumbered by Governor's Executive Order No. 2209 to be under the control and management of the Department of Land and Natural Resources, Division of State Parks as an addition to Kōke'e and Waimea State Parks for park purposes.

CHARACTER OF USE:

Storybook will provide children and families access to an innovative arts education program based on creative expression and problem solving, with the goal of building emotional intelligence, creative capacity, and respect for the diversity of all life.

BACKGROUND:

Storybook is currently mid-way through a 55 (fifty five) year lease with DLNR, Land Division at 3814 Hanapepe Rd, Hanapepe, HI 96716 (TMK: (4)1-9-5:41). The once condemned property was rehabilitated by Storybook volunteers and contractors.

Now a community centerpiece, Storybook Theatre is on the main thoroughfare of rural Hanapepe, Kaua'i. The building, largely destroyed by Hurricane 'Iniki in 1992, was saved from demolition with support of the local community. It has undergone extensive rehabilitation and now includes an indoor theatre, a professional grade media production studio, a children's cultural center, offices and classrooms. A highlight of the historic restoration project is the Spark M. Matsunaga International Children's Peace Garden that includes an outdoor amphitheater, a life-size bronze statue of Sparky, gazebo, Japanese bridge, embellished metal gate, and stone waterfall/stream/pond.

Storybook has been producing quality children's programming in Hawai'i for more than 35 (thirty five) years, primarily serving children ages 3-12 (three through twelve) and their teachers and parents with programming centered around the visual/performing arts and preserving/honoring the Hawaiian culture. Collaborating with early childhood educators and family service organizations, Storybook Theatre addresses important community issues such as environmental education, peace education, literacy and family stability.

Storybook Theatre programming reaches children on Kaua'i and throughout all of Hawai'i. The major components of Storybook's annual program offerings are: onsite art education programs, a statewide television program with a literacy focus, a statewide marine mammal educational tour, peace programs in the Spark M. Matsunaga International Children's Garden, the Princess Ka'iulani Keiki Fest, a Children's Cultural Center, Read Across Kaua'i, and a Dad's Day Celebration. All services are provided free or for a minimal charge.

Storybook plans to manage a Kōke'e Community Arts Camp to provide in-camp and outdoor arts education programs throughout the year to individuals and groups, that enable island visitors and Hawai'i residents to experience and participate in the visual, literary, and performing arts as they relate to our high forest's history and flora/fauna.

Storybook will invite community organizations, schools, churches, halau and community clubs that have connections with the upland forest to use the facilities, while strengthening their own unique values, heritage, and culture through the arts.

Furthermore, an environmental literacy programming will be run throughout the year to children and their families, through the unique resources found at the camp relating to the art while making the camp and grounds family friendly with adequate parking, storage, equipment, and safe policies and procedures.

Storybook will replace the cesspool to existing residence (flat roof cabin) in Kōke'e with a septic system. In addition, Storybook will work closely with State Parks and State Historic Preservation Division (SHPD) to rehabilitate the historic cabins.

Staff Comments:

Staff recommends approval of the issuance of a General Lease and reduced rent to Storybook Theatre of Hawaii to further support their efforts in providing visual, literary and performing arts education, while cultivating connections and delivering environmental literacy programming to the community, as well as preserving and upgrading the historic complex.

RECOMMENDATION:

That the Board, subject

1. Determine that in accordance with Hawai'i Administrative Rule Sections 11-200-8 and the Exemption List for the Department of Land and Natural Resources approved by the Environmental Council and dated June 5, 2015, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 1, Item 47 that states "Leases of state land involving negligible or no expansion or change of use beyond that previously existing."
2. Approve the issuance of a General Lease to the Storybook Theatre of Hawaii at a reduced rent of \$2,500.00 annually for a term of 15 (fifteen) years.
  - a. The standard terms and conditions of the most current general lease, as may be amended from time to time;
  - b. Review and approval by the Department of the Attorney General; and
  - c. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the state.

Respectfully submitted,



*For* Curt A. Cottrell  
Administrator  
Division of State Parks

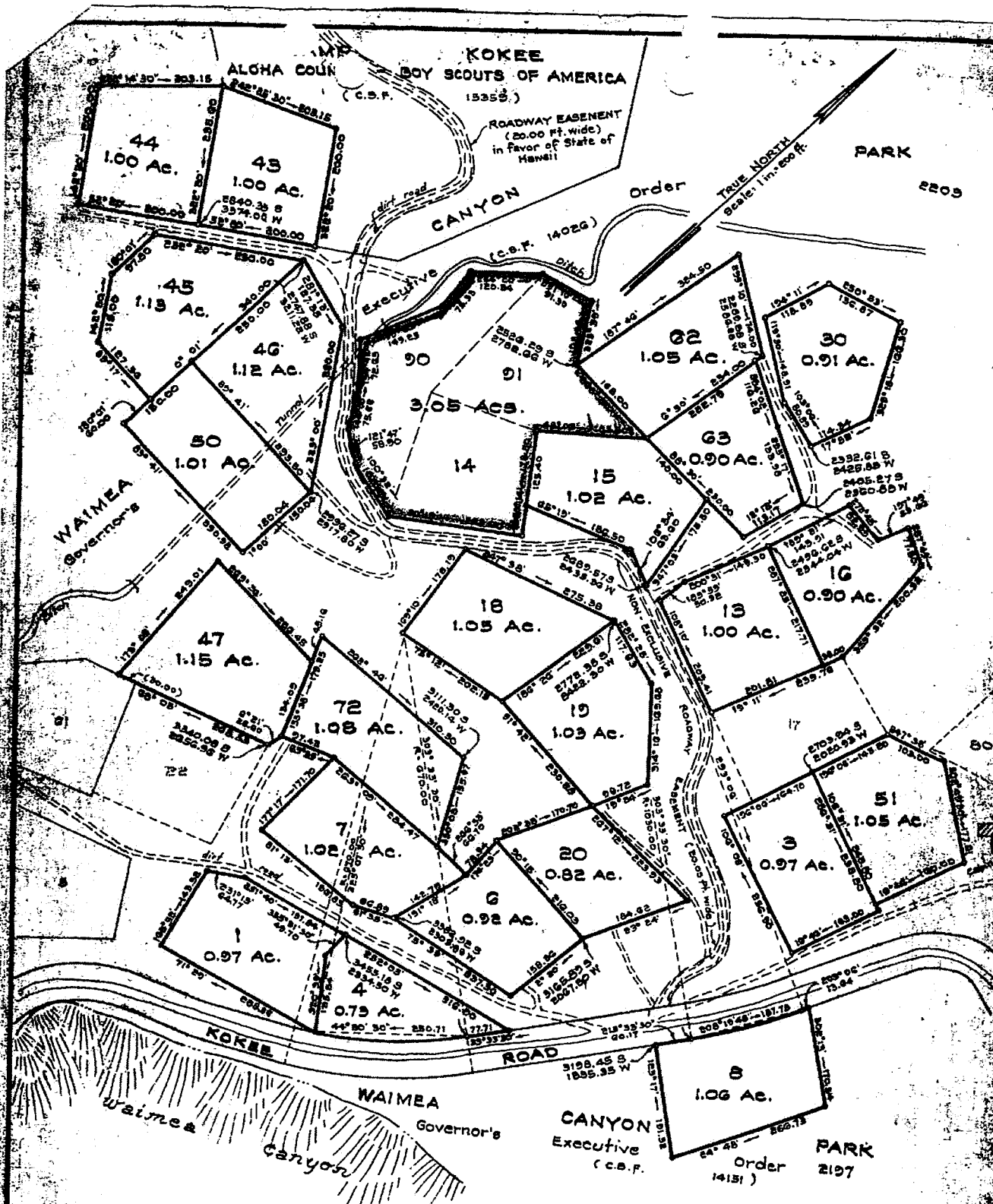
APPROVED FOR SUBMITTAL:



SUZANNE D. CASE  
Chairperson  
Board of Land and Natural Resources

ATTACHMENTS:

- Exhibit A – State of Hawaii Survey of Pu'u Ka Pele Park Lots
- Exhibit B – DLNR Exemption List – June 5, 2015



(Revised November 1967)

**PUA KA PELE PARK LOTS**

- LOTS 1, 3, 4, 6, 7, 8, 13, 14, 15, 16, 18, 19,  
 20, 30, 43, 44, 45, 46, 47, 50, 51, 62, 63,  
 72, 90 AND 91

Waima (Kona), Kauai, Hawaii  
 scale: 1 inch = 200 feet

**EXHIBIT A**

JOB NO. K-9711  
 C. B. K. & S. (Kauai)

All lot corners marked with pipe  
 October 1967, A.T. A. and J.C. J.  
 Coordinates referred to: HALE & A.

**SURVEY DIVISION**  
 DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES  
**STATE OF HAWAII**

C.S.O. Nov. 27, 1967

EXEMPTION LIST FOR THE  
DEPARTMENT OF LAND AND NATURAL RESOURCES

Approved by the Environmental Council on June 5, 2015

GENERAL NOTES

This exemption list for the Department of Land and Natural Resources (“Department” or “DLNR”) was reviewed and concurred on by the Environmental Council on June 5, 2015. This list supersedes all previous exemption lists of the DLNR and its Divisions, including the following:

- (1) December 4, 1991 DLNR Department-wide list
- (2) January 19, 1976 DLNR Division of Fish and Game list
- (3) September 19, 1984 DLNR Division of Water and Land Development list
- (4) April 28, 1986 DLNR Division of Land Management list
- (5) December 4, 1991 DLNR State Parks list
- (6) March, 1995 DLNR Division of Boating and Ocean Recreation list
- (7) June 12, 2008 DLNR Division of Forestry and Wildlife list
- (8) July 13, 2011 DLNR additions to Department-wide list
- (9) May 17, 2012 DLNR addition to Department-wide list

Hawaii Revised Statutes (“Haw. Rev. Stat.”) Chapter 343 authorizes the Environmental Council to establish procedures to exempt specific types of action from the preparation of an environmental assessment because the action will have minimal or no significant effect on the environment. The Department, through time and experience, developed the following exemption list identifying particular activities that fall within the exempt classes described in Hawaii Administrative Rules (“HAR”) §11-200-8. Pursuant to HAR §11-200-8(b), these exemptions are inapplicable when the cumulative impact of planned successive actions in the same place, over time, is significant, or when an action that is normally insignificant in its impact on the environment may be significant in a particularly sensitive environment.

**Exemption Class 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.*

1. Mitigation of any hazardous conditions that present imminent danger as determined by the Department Director and that are necessary to protect public health, safety, welfare, or public trust resources.
2. Upon determination by the Department Director that an emergency exists, emergency mitigation and restoration work to prevent damage from continuing to occur and to restore the topographical features and biological resources.

to or from other government agencies through a Governor's executive order.

44. Transfer of title to land.

45. Acquisition of land or interests in land.

46. Creation or termination of easement, covenants, or other rights in structures or land.

47. Leases of state land involving negligible or no expansion or change of use beyond that previously existing.

48. Subdivision or consolidation of lots not previously subdivided.

49. The award of grants under Haw. Rev. Stat. Chapter 173A provided that the grant does not fund an activity that causes any material change of use of land or resources beyond that previously existing.

50. Conduct public meetings and hearings for the purpose of the collection and dissemination of public information, to discuss matters under the jurisdiction of the Department, to develop administrative rules, guidelines or other public policy, and other similar purposes.

51. Permits, licenses, registrations, and rights-of-entry issued by the Department that are routine in nature, involving negligible impacts beyond that previously existing.

52. Use of state lands and waters by those exercising traditional and customary practices for minor non-commercial purposes or for the gaining of traditional ecological knowledge.

53. Granting to a person the privilege to conduct operations involving the provision of goods, wares, merchandise, or services to the general public including, but not limited to, tours, food and beverage operations, retail operations, rental operations, or communications and telecommunications services in or on an existing building, facility, or area.

### **Exemption Class 2**

*Replacement or reconstruction of existing structure and facilities where the new structure will be located generally on the same site and will have substantially the same purpose, capacity, density, height, and dimensions as the structure replaced.*

1. Replacement or reconstruction of existing Department structures and facilities, including baseyards, offices, cabins, sheds, and fencing.

2. Replacement or reconstruction of existing signs, markers, buoys, or aids to navigation.

3. Replacement or reconstruction of existing fisheries facilities.