

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
State Parks Division
Honolulu, Hawai'i 96813

October 11, 2019

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

Maui, Hawai'i

ISSUANCE OF A MONTH-TO-MONTH REVOCABLE PERMIT TO
DIAMOND PARKING SERVICES, LLC, FOR PARKING FEE COLLECTION
SERVICES AT MĀKENA STATE PARK, PORTIONS OF MALUAKA,
MOOIKI, MOOLOA, MOOUKU, NAU, HONUULA, MAKAWAO, MAUI, TAX
MAP KEY: (2) 2-1-006 POR: 030.

APPLICANT:

Diamond Parking Services, LLC (Diamond)

LEGAL REFERENCE:

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

LOCATION:

Mākena State Park, Por. Maluaka, Mooiki, Mooloa, Moouku, Nau, Honuula Makawao,
Maui, TMK: (2) 2-1-006 Por: 030

AREA:

A portion of approximately 87.875 acres of improved and unpaved land

ZONING:

State Land Use District:	Conservation, Rural
County of Maui CZO:	A-2 Apartment, Beach Right-of-Way, OZ Open Zone, PK Park, Proposed Road, R-3 Residential

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 ___

CURRENT USE STATUS:

Encumbered by Governor's Executive Orders No. 4178, 4179, 4180, 4181, 4182, 4183, 4184 to be under the control and management of the Department of Land and Natural Resources, Division of State Parks as an addition to Mākena State Park for park purposes.

CHARACTER OF USE:

For parking fee collection purposes.

COMMENCEMENT DATE:

The first day of the month to be determined by the Chairperson.

MONTHLY RENTAL:

\$10,000.00 per month plus seventy-five (75%) percent of all gross revenues collected over \$21,000.00 per month less general excise tax and credit card operating expenses.

COLLATERAL SECURITY DEPOSIT:

\$20,000.00

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 concurred 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. See exemption declaration attached as Exhibit B.

DCCA VERIFICATION:

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

JUSTIFICATION FOR REVOCABLE PERMIT:

Testing market and operational issues for parking fee collections at
Mākena State Park

REMARKS:

Mākena State Park is a scenic wildland beach park characterized by a prominent cinder cone Pu'u Ola'i and large white sand beach. Swimming during calm seas, bodysurfing, board surfing, shore fishing and beach related activities can be found here. In addition, Maluaka Wetland is located nearby and is one of the few natural wetlands that remain along the Mākena coast. The wetlands have been home to Hawai'i's native waterbirds for thousands of years.

Diamond will operate the parking areas at Mākena State Park. The proposed use is allowable in the county zoning.

Staff recommends approval of the issuance of a month-to-month revocable permit to Diamond to operate at Mākena State Park for parking fee collection purposes. This revocable permit will test the commercial viability and help establish an economic model when the opportunity is offered through a competitive bid process.

The applicant has not had a lease, permit, easement or other disposition of State lands terminated within the last five (5) years due to non-compliance with such terms and conditions and therefore, DSP recommends approval for the issuance of a revocable permit for the collection of parking and entry fees and further recommends the Board delegate to the Chairperson or her designee the authority to negotiate any other specific terms necessary to effectuate the revocable permit.

RECOMMENDATION: That the Board:


1. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Chapter 11-200, HAR, 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. Authorize the issuance of a month-to-month revocable permit to Diamond Parking Services, LLC covering the subject area for parking fee collection purposes under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:
 - a. The standard terms and conditions of the most current revocable permit form, 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,



Curt A. Cottrell
Administrator
Division of State Parks

APPROVED FOR SUBMITTAL:

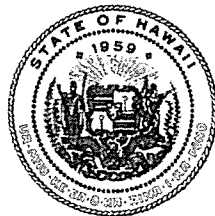


SUZANNE D. CASE
Chairperson
Board of Land and Natural Resources

ATTACHMENTS:

- Exhibit A - Mākena State Park location plan
- Exhibit B - DLNR Exemption List – June 5, 2015
- Exhibit C – Aerial view of each parking lot (3 total)

DAVID Y. IGE
GOVERNOR OF
HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

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SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

ROBERT K. MASUDA
FIRST DEPUTY

JEFFREY T. PEARSON, P.E.
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
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KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

EXEMPTION DECLARATION

Regarding the preparation of an environmental assessment pursuant to Chapter 343, HRS and Chapter 11-200, HAR

Project Title:	Issuance of Revocable Permit to Diamond Parking Services, LLC at Makena State Park
Project Number:	SP
Project Location:	Kihei, Maui (Makena State Park) Tax Map Key: (2) 2-1-006:030 (portion)
Project Description:	Operation of parking lots at Makena State Park.
Chap. 343 Trigger(s):	Use of State Land In accordance with the Exemption List for the Department of Land and Natural Resources, approved by the Environmental Council of June 5, 2015, the subject request for amendment to general lease is exempt from the preparation of an environmental assessment pursuant to Exemption Class 1 Item 47, "Leases of State land involving negligible or no expansion or change of use beyond that previously existing."
Consulted Parties:	Division of Forestry and Wildlife and Division of Conservation and Coastal Lands
Authorization:	
Exemption Class & Description:	Activities and actions associated with this project fall under the following Exemption Classes and Descriptions which are included in the Exemption List for the Department of Land and Natural Resources (approved by the Environmental Council on June 5, 2015) 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. Exempt Item Number 47: Leases of state land involving negligible or no expansion or change of use beyond that previously existing.

Determination:	The Board of Land and Natural Resources declares that this project will likely have minimal or no significant impact on the environment and is therefore exempt from the preparation of an environmental assessment under the above exemption classes.
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Suzanne D. Case, Chairperson
Board of Land and Natural Resources

Date

