

STATE OF HAWAI'I  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
Division of State Parks  
Honolulu, Hawaii 96813

October 23, 2020

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

Kaua'i

SUBJECT: Request approval to Amend Revocable Permit No. 0554, Republic Parking, LLC, Permittee; Hā'ena State Park, Hā'ena, Hanalei, Kaua'i, Hawai'i, Tax Map Key: (4) 1-4-001:007 portion.

The purpose of this amendment is to update the terms of the revocable permit to incorporate the increased fees set in HAR Chapter 13-146, Section 13-146-6 and increase the monthly percentage rent.

APPLICANT:

Republic Parking, LLC

LEGAL REFERENCE:

Hawai'i Revised Statutes Sections 171-6 and 55, as amended. Hawai'i Administrative Rules (HAR) Chapter 13-146, Section 13-146-6 (Fees), as amended.

LOCATION:

Portion of land located in Hā'ena State Park, Hā'ena, Hanalei, Kaua'i, Hawai'i, Tax Map Key: (4) 1-4-001:007 portion., as shown on the map attached as **Exhibit A**.

AREA:

An approximate two-acre portion of 50 acres, more or less

ZONING:

State Land Use District:	Conservation
County of Kaua'i CZO:	P-1

**ITEM E-1**

TRUST LAND STATUS:

Section 5(a) lands of the Hawaii Admission Act  
DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: No

CURRENT USE STATUS:

Encumbered by Governor's Executive Order 3391 setting aside land for state park purposes to be under the control and management of the State of Hawai'i, Department of Land and Natural Resources, Division of State Parks.

BACKGROUND:

The Hawai'i Department of Land and Natural Resources' DSP is responsible for managing the use and protection of all lands, and historical and natural resources within the Hawai'i State Park System, established under Chapter 13-146, Hawaii Administrative Rules (HAR). The new fee schedule in Chapter 13-146 helps improve revenue-generating potential for the Division of State Parks (DSP) to better manage the Hawai'i State Park System that is composed of some of the State's most valuable, scenic, historic, culturally significant, and acclaimed natural and cultural resources.

The purpose of this request is to update the terms of the RP to adjust for DSP's new fee schedule.

REMARKS:

The current revocable permit currently provides for a rent of \$1.00 plus 60% per month of all revenue collected over \$37,000.00 per month. We are asking the Board to approve a ninety-nine percent (99%) of net operating income for the monthly rent.

Following the adoption of HAR13-146 Increase Fees, in the new fees would result in a windfall for the permit holder without adjustment to the rent.

The adjustment of the terms will help capture the windfall that results from the new fee schedule. Parks has worked with the permittee on a new monthly rent and feels the Board can authorize the change.

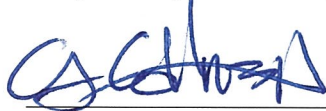
The subject RP was issued pursuant to Section 171-55, HRS. The statutory language allows the Board to issue a permit, "... by direct negotiation without public auction, under conditions and rent which will serve the best interests of the State ..." Under the current circumstances, Parks believes that the statute provides grounds for the Board to modify the rent as warranted.

Staff recommends the Board approve a monthly rent of 99% of net operating income for the duration of the terms. The new rent will be effective thirty-days (30) from the approval by the Board. In addition, staff recommends Revocable Permit No. RP0554 incorporate the increased fees set in HAR Chapter 13-146, Section 13-146-6.

RECOMMENDATION: That the Board:

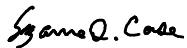
1. Approve the updated Revocable Permit No. RP0554 to incorporate the increased fees set in HAR Chapter 13-146, Section 13-146-6 and;
2. Adjust the rent payable to ninety-nine percent (99%) of net operating income per month.

Respectfully Submitted,



Curt Cottrell, Administrator  
Division of State Parks

APPROVED FOR SUBMITTAL:



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Suzanne D. Case, Chairperson  
Board of Land and Natural Resources

Attachment: Exhibit A – DAGS Survey





**STATE OF HAWAII**

**SURVEY DIVISION**

**DEPT. OF ACCOUNTING AND GENERAL SERVICES  
HONOLULU**

ca.P. No. 20782

April 4, 1988

(REVISED APRIL 1988)  
HAENA STATE PARK

PARCEL 2

Haena, Hanalei, Kauai, Hawaii

Comprising the following:

1. Portions of Royal Patent 3596, Land cammission Award 10613, Apana 6 to A. Paki acquired by the State of Hawaii as follows:
  - a. John G. Allerton to State of Hawaii by deed dated January 14, 1975 and recorded in Liber 10734, Page 1 (Land Office Deed S-26486).
  - b. FINAL ORDER OF CONDEMNATION, Civil No. 1308 dated October 17, 1974 and recorded in Liber 10237, Page 151 (Land Office Deed S-26294).
  - c. FINAL ORDER OF CONDEMNATION, Civil No. 1308 dated October 17, 1974 and recorded in Liber 10237, Page 159 (Land Office Deed S-26295).
  - d. Patricia S. Rice and Robin c. A. Rice to State of Hawaii by deed dated January 4, 1973 and recorded in Liber 8939, Page 421 (Land Office Deed S-25779).
  - c. Dora Jane Cole to state of Hawaii by deed dated Novent>er 15, 1972 and recorded in Liber 8806, Page 251 (Land Office Deed S-25759).
2. Portion of Royal Patent 7091, Land Cammission Award 8200-C, Apana 1 to Mokuohai for Kaenaku acquired by the State of **Hawaii** by FINAL ORDER OF CONDEMNATION, Civil No. 1186 and recorded in Liber 10193, Page 390 (Land Office Deed S-26284}.
3. Portions of Royal Patent 3596, Land Cammission Award 10613, Apana 6 to A. Paki and Land Caranission Award 7998 to Haole conveyed to the State of Hawaii by the county of Kauai by deed dated March 23, 1978 and recorded in Liber 13410, Page 547 (Land Office Deed S-26989}.

Beginning in the middle of Limahuli stream, being also the northeast corner of this parcel of land and on the south side of Kuhio Highway the coordinates of said point of beginning referred to Government survey Triangulation Station "NIHA 2" being 1032.08 feet south and 10179.69 feet west as shown on Government survey Registered HSS Plat 3099-A, thence running by azimuths measured clockwise from True south:

Along the middle of Limahuli stream, being also along the remainder of R.P. 3596, L.C.Aw. 10613, Ap. 6 to A. Paki for the first six (6) courses, the direct azimuths and distances between points on said middle of Limahuli Stream being:

- |     |              |  |
|-----|--------------|--|
| 1.  | 57° 00'      | 75.48 feet;  |
| 2.  | 59° 57'      | 144.00 feet;   |
| 3.  | 64° 53'      | 77.20 feet;  |
| 4.  | 44° 32'      | 55.00 feet;  |
| 5.  | 90 44'       | 74.00 feet;  |
| 6.  | 3530 45' 30" | 79.61 feet;  |
| 7.  | 940 00'      | 19.00 feet along the remainder of R.P. 3596, L.C.Aw. 10613, Ap. 6 to A. Paki to a "+" cut on rock; |
| 8.  | 940 00'      | 41.00 feet along the remainder of R.P. 3596, L.C.Aw. 10613, Ap. 6 to A. Paki;                      |
| 9.  | 1840 00'     | 60.00 feet along the remainder of R.P. 3596, L.C.Aw. 10613, Ap. 6 to A. Paki;                      |
| 10. | 1310 30'     | 190.00 feet along the remainder of R.P. 3596, L.C.Aw. 10613, Ap. 6 to A. Paki;                     |
| 11. | 118° 00'     | 200.00 feet along the remainder of R.P. 3596, L.C.Aw. 10613, Ap. 6 to A. Paki;                     |

Thence along the middle of ridge being also along the remainder of R.P. 3596, L.C.Aw. 10613, Ap. 6 to A. Paki for the next six (6) courses, the direct azimuths and distances between points on said middle of ridge being:

- |     |         |              |
|-----|---------|--------------|
| 12. | 63° 00' | 175.00 feet; |
|-----|---------|--------------|

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- |     |          |   |
|-----|----------|---|
| 13. | 42° 00'  | 720.00 feet to a point called<br>•Makana•;    |
| 14. | 69° 00'  | 500.00 feet;                                  |
| 15. | 36° 35'  | 1500.00 feet to a point called<br>•Maunahou•; |
| 16. | 348° 00' | 585.00 feet to a point called<br>•Maunapulo•; |
| 17. | 340 22'  | 364.50 feet;                                  |

Thence along the middle of ridge along the Government Land of Hanakapiai for the next three (3) courses, the direct azimuths and distances between points on said middle of ridge being:

- |     |          |   |
|-----|----------|---|
| 18. | 96° 15'  | 790.00 feet;  |
| 19. | 000 45 • | 1960.00 feet;   |
| 20. | 98° 00'  | 1080.00 feet to edge of <b>vegeta-</b><br>tion at seashore; |

Thence along the edge of vegetation at seashore for the next four (4) courses, the direct azimuths and distances between points on said edge of vegetation at seashore being:

- |     |              |   |
|-----|--------------|---|
| 21. | 231° 30' 45• | 4263.83 feet;   |
| 22. | 288° 00'     | 40.79 feet;   |
| 23. | 102° 59'     | 151.86 feet;  |
| 24. | 212° 28'     | 199.60 feet;  |
| 25. | 3510 30'     | 252.35 feet along the remainder of R.P.<br>3596, L.C.Aw. 10613, Ap. 6 to<br>A. Paki;                                |
| 26. | 2530 00'     | 116.60 feet along the remainder of R.P.<br>3596, L.C.Aw. 10613, Ap. 6 to<br>A. Paki;                                |
| 27. | 176° 09'     | 225.00 feet along the remainder of R.P.<br>3596, L.C.Aw. 10613, Ap. 6 to<br>A. Paki;                                |
| 28. | 860 09'      | 134.00 feet along the remainder of R.P.<br>3596, L.C.Aw. 10613, Ap. 6 to<br>A. Paki to the edge of vegeta-<br>tion; |

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Thence along the edge of vegetation at seashore for the next six (6) courses, the direct azimuths and distances between points on said edge of vegetation at seashore being:

29.	221° 33'	92.11 feet;
30.	242° 50'	74.50 feet;
31.	256° 10'	101.50 feet;
32.	291° 52'	192.00 feet;
33.	256° 57'	151.96 feet;
34.	238° 11'	71.97 feet;
35.	269° 54' 30•	97.24 feet along the south side of Kuhio Highway;
36.	259° 02'	5.08 feet along the south side of Kuhio Highway;
37.	359° 15'	26.32 feet along a jog on the south side of Kuhio Highway;
38.	210° 33'	70.57 feet along the south side of Kuhio Highway;
39.	259° 02'	438.75 feet along the south side of Kuhio Highway;
40.	Thence along the south side of Kuhio Highway on a curve to the right with a radius of 180.00 feet, the chord azimuth and distance being: 211° 40'                      78.74 feet;	
41.	284° 18'	125.79 feet along the south side of Kuhio Highway;
42.	Thence along the south side of Kuhio Highway on a curve to the left with a radius of 220.00 feet, the chord azimuth and distance being: 264° 32'                      148.80 feet to a spike;	
43.	244° 46'	266.88 feet along the south side of Kuhio Highway;
44.	Thence along the south side of Kuhio Highway on a curve to the right with a radius of 180.00 feet, the chord azimuth and distance being: 263° 56'                      118.19 feet;	
45.	283° 06'	447.42 feet along the south side of Kuhio Highway;



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- 46. Thence along the south side of Kuhio Highway on a curve to the left with a radius of 590.00 feet, the chord azimuth and distance being:  
278° 25' 96.35 feet;
- 47. 273° 44' 296.82 feet along the south side of Kuhio Highway;
- 48. Thence along the south side of Kuhio Highway on a curve to the right with a radius of 160.00 feet, the chord azimuth and distance being:  
287° 52' 78.14 feet;
- 49. 302° 00' 69.19 feet along the south side of Kuhio Highway;
- 50. Thence along the south side of Kuhio Highway on a curve to the left with a radius of 200.00 feet, the chord azimuth and distance being:  
293° 31' 59.01 feet to a •+• cut on rock;
- 51. 285° 02' 120.20 feet along the south side of Kuhio Highway to the point of beginning and containing an AREA OF 180.23 ACRES, <sup>1</sup>KJIB CR LESS

SUBJECT, however, to Pathway Easement •Z• (3.00 feet wide) as shown on plan attached hereto and made a part hereof.

SURVEY DIVISIOO  
DEPARTMENT OF ACCOONTING AND GENERAL SERVICES  
STATE OF HAWAII .

By: Stanley T. Nakamura  
Stanley T. Nakamura  
Land Surveyor

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canpiled fran data furn.  
by map of Haena Hui Land  
(R.M. TOWill) CSFs' 16,210,  
17,209, 17,219, 18,734 and  
Govt. survey Records.

