

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.0555, Republic Parking, LLC, Permittee, Kōke'e and Waimea Canyon State Parks, Kona and Na Pali, Kaua'i, Tax Map Keys: (4) 1-4-001:013, 004, 003, and 002 (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 Government Lands of Kōke'e and Waimea Canyon State Parks, Kona and Na Pali, Kaua'i, Hawai'i, Tax Map Keys: (4) 1-4-001:013, 004, 003, and 002 (portion), as shown on the map attached as **Exhibit A**.

AREA:

Approximately .10 acres, more or less.

ZONING:

State Land Use District:	Conservation
County of Kaua'i CZO:	P-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 No. 1509 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 \$2,000.00 plus 60% of all revenue collected per month over \$18,000.00. 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.

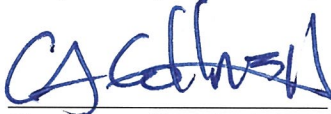
The subject RP was issued pursuant to Section 171-55, HRS. The statutory language allows the Board to issue a permit, "... by direct negotiation without public auction, under conditions and rent which will serve the best interests of the State ..." Under the current circumstances, Parks believes that 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. RP0555 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. RP0555 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:

Suzanne D. Case

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

Attachments: Exhibit A – DAGS Survey



TERRITORY OF HAWAII
SURVEY DEPARTMENT

c.s.F. No. 11,444-A

HONOLULU

April 30, 1952

Kokee Park

Kona and Na Pall, Kauai, T. H.

Being a portion of the Government (Crown) Land of Waimea
and portions of the Government Lands of Honopu and Kalalau

Beginning at the Government Survey Triangulation Station
"PUU HINAHINA", marked by a cluster of stone with "I" on center stone,
at the top of the westerly edge of Walmea Canyon, the coordinates of
said point of beginning referred to Government Survey Triangulation
Station "PUU KA PELE" being 9265.3 feet North and 1773.1 feet West,
and running by azimuths measured clockwise from True South:-

1. Along Puu Ka Pele Park, Governor's Executive Order 131, along the top edge of the Waimea Canyon, the direct azimuth and distance being: 218° 25' 1340.0 feet to a cluster of stones with "I" on center stone;
2. 155° 22' 1070.0 feet along Puu Ka Pele Park, Governor's Executive Order 131, to a cluster of stones with "-" on center stone;
3. 90° 00' 6000.0 feet along Puu Ka Pele Park, Governor's Executive Order 131;
4. 221° 00' 8500.0 feet more or less along the Na Pall-Kana Forest Reserve, Governor's Proclamation dated June 12, 1907, to the top of a hill;
5. 225° 00' 8600.0 feet more or less along the Na Pall-Kona Forest Reserve, Governor's Proclamation dated June 12, 1907, to Puu Kainamanu;
6. 190° 00' 3600.0 feet more or less along the Na Pall-Kona Forest Reserve, Governor's Proclamation dated June 12, 1907, to the top edge of Kalalau pall at a place called Kalahu;

Thence along the Na Pali-Kona Forest Reserve, Governor's Proclamation dated June 12, 1907, along the top edge of Kalalau pall in a general easterly direction for the next five (5) courses, the direct azimuths and distances between points on the top edge of said pall being:

-2-

7. 310° 00' 2800.0 feet, more or less;
 8. 271° 00' 1095.0 feet, more or less;
 9. 211° 00' 1000.0 feet, more or less;
 10. 312° 00' 3000.0 feet, more or less;
 11. 268° 00' 2000.0 feet, more or less to top of Kaunuchua.
 Ridge, thence
12. 356° 00' 6100.0 feet, more or less along the Na. Pa.11-Kona Forest Reserve, Governor's Proclamation dated June 12, 1907, to the top of a hill, the elevation of which is 3723 feet;
13. 35° 00' 3850.0 feet, more or less along the Na Pali-Kone. Forest Reserve, Governor's Proclamation dated June 12, 1907, crossing Kauaikinana Stream to the top edge of Waimea Canyon;
- Thence along the Na Pali-Kona Forest Reserve, Governor's Proclamation dated June 12, 1907, along the top edge of Waimea Canyon in a general southwesterly direction for the next five (5) courses, the direct azimuths and distances between points on the top edge of said Waimea. Canyon being:
14. 22° 00' 1800.0 feet, more or less;
 15. 47° 00' 3250.0 feet, more or less;
 16. 36° 00' 3060.0 feet, more or less;
 17. 95° 00' 1900.0 feet, more or less;
 18. 40° 00' 1370.0 feet, more or less to a point known as Kaou on the Kamuela Ridge, the true azimuth and distance from said point (Kaou) to Government Survey Triangulation Station "PUU KA PELE" being: 23° 11' 10" 8665.1 feet;
19. 105° 00' 1900.0 feet, more or less along Puu Ka Pele Forest Reserve, Governor's Proclamation dated December 31, 1918 to the head of the Waipoo Falls in Kokee Stream;
20. 116° 30' 1850.0 feet, more or less along Puu Ka Pele Forest Reserve, Governor's Proclamation dated December 31, 1918 to the junction of Halamanu and Nawaimaka Valleys;
21. 88° 30' 1700.0 feet, more or less along Puu Ka Pele Forest Reserve, Governor's Proclamation dated December 31, 1918 to the point of beginning and containing an Area of 4640 ACRES, more or less.

Subject, however, to General Lease 2655 to Kekaha Sugar Company, Limited, and/or subsequent leases relating to all riparian and other rights in or to the streams and the waters thereof.

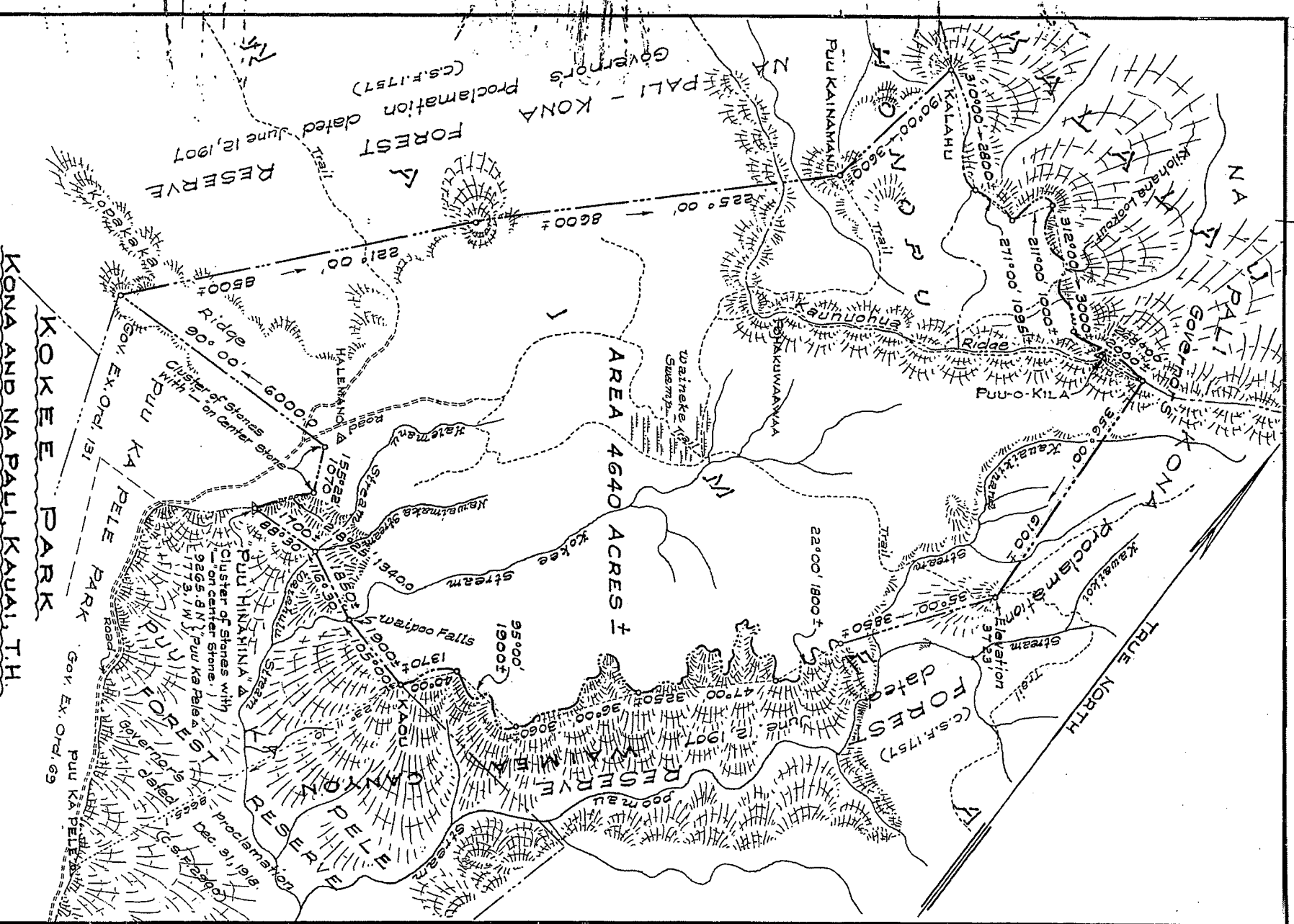
Compiled from description and data on whiteprint furnished by the Board of Agriculture and Forestry and from Gov't. Survey Records.

TERRITORY OF HAWAII
 SURVEY DEPARTMENT,

BY:

Joseph A. Aiu
 Engineer

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Aius Date: Ek 45
 ob No 728



C. S. F. No. (444-A)

SURVEY DEPARTMENT
 TERRITORY OF HAWAII

Traced by
 R. L. ADAISZ

