

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

December 11, 2020

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

PSF No.: 20MD-099

MAUI

Issuance of Immediate Right-of Entry and Revocable Permit to Na Moku Aupuni
O Koolau Hui, Keanae, Hana, Maui, Tax Map Keys: (2) 1-1-002: 008 & 009.

APPLICANT:

Na Moku Aupuni O Koolau Hui, a domestic non-profit corporation and Internal Revenue Code Section 501(c)(3) eleemosynary organization.

PURPOSE:

Issuance of Immediate Right-of Entry and Revocable Permit to Na Moku Aupuni O Koolau (NMAOKH) for management and operation of a recreational camp and to allow for a community engagement process that may lead to the formation and development of a land use and management plan related to the future development and use of Camp Keanae in the best interest of the State.

LEGAL REFERENCE:

Sections 171-13, -43.1 and -55, Hawaii Revised Statutes, as amended.

LOCATION:

Government lands of Keanae, Hana, Maui, identified by Tax Map Keys: (TMK) (2) 1-1-002: 008 and 009, as shown on the attached map labeled Exhibit A.

AREA:

TMK (2) 1-1-002: 008 = 1.27
TMK (2) 1-1-002: 009 = 7.742 acres
Total = 9.012 acres, more or less.

ZONING:

State Land Use District:	Agriculture
County of Maui CZO:	Agriculture

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

Recently Unencumbered. One-year holdover of GL S-3817 and S-4828 expired as of November 23, 2020

CHARACTER OF USE:

Recreational camp site purposes.

APPLICANT REQUIREMENT:

Establish a committee to engage the Maui community in a planning process to explore the highest and best use of lands and facilities at Camp Keanae.

TERM OF RIGHT-OF-ENTRY PERMIT:

Commencing upon Board approval and expiring upon issuance of revocable permit.

COMMENCEMENT DATE OF REVOCABLE PERMIT:

To be determined by Chairperson.

MONTHLY RENTAL UNDER RIGHT-OF-ENTRY AND REVOCABLE PERMIT:

\$40 per month or \$480 per year.

COLLATERAL SECURITY DEPOSIT:

Twice the monthly rental.

CHAPTER 343 – ENVIRONMENTAL ASSESSMENT:

In accordance with Hawaii Administrative Rules (HAR) § 11-200.1-16(a) and the Exemption List for the Department of Land and Natural Resources reviewed and concurred on by the Environmental Council on March 3, 2020, the subject request is exempt from the preparation of an environmental assessment pursuant Exemption Class No. 1 that states, "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,” and Item 10 that states, “Operation, repair and maintenance, of existing recreational facilities, such as campsites, cabins, shelters, and other similar structures, and the appurtenant support facilities and structures;” Item 27 that states, “Maintenance of existing landscaping, including planting, trimming mowing and irrigation;” Item 41 that states, “Leases of state land involving negligible or no expansion or change of use beyond that previously existing,” and Item 44 that states, “Permits, licenses, registrations, and rights-of-entry issued by the Department that are routine in nature, involving negligible impacts beyond that previously existing.”

DCCA VERIFICATION:

Place of business registration confirmed:	YES <u>X</u>	NO <u> </u>
Registered business name confirmed:	YES <u>X</u>	NO <u> </u>
Applicant in good standing confirmed:	YES <u>X</u>	NO <u> </u>

BACKGROUND:

Since 1964, Camp Keanae was under the management and control of the Young Men’s Christian Association (YMCA) for a period of fifty-five years for recreational camping pursuant to General Lease No. S-3817 and S-4828.

On May 28, 2009, the department notified the former lessee that an independent appraisal, pursuant to rent reopening at year 45 of its lease term, was to increase rent from \$1,630 to \$12,000 dollars per annum. The lessee then requested rent reconsideration since they were a recognized 501(c)(3) non-profit organization that offered charitable services. On July 22, 2009, under agenda item D-6, the Board approved a lowering of the annual rent for both GL S-3817 and S-4828 to \$480 per annum.

In anticipation of the expiration of both GL S-3817 and S-4282 on November 23, 2019; staff recommended that YMCA be granted a one-year holdover lease to expire on November 23, 2020. The purpose and intent of the one-year holdover was to allow the tenant more time to conduct analysis of existing infrastructure to better determine needed investment for future use of the area and to present an application for use of State lands that clearly describes benefits to the community.

Throughout the holdover period, the Maui District Land Office (MDLO) received calls and emails from individuals in the community that stated Camp Keanae was not being used to its fullest potential in regard to community recreational camping opportunities but instead there was an overemphasis on tourist accommodations. MDLO had suggested the YMCA explore opportunities to expand community recreational activities during the one-year hold-over period by engaging with community organizations on Maui to discuss opportunities for potential partnerships in the operation and use of the premises. It was anticipated YMCA would apply for a new lease disposition that demonstrated its findings and recommendations by January of 2020.

COMPETING REQUEST FOR LEASE OF CAMP KEANAE

On June 28, 2020, during the holdover period, the department received a competing application for use of the subject premises from Na Moku Aupuni o Koolau Hui (NMAOKH), a recognized 501 (c)(3) eleemosynary organization, whose members are from the Keanae – Wailua Ahupuaa of East Maui. They too requested disposition of the subject premises for recreational camping purposes pursuant to HRS Section 171-43.1. Although the proposed use of the subject premises was like that of the YMCA, what set their application apart was the proposal to integrate a wide range of community and culture-based programing. Furthermore their pending request demonstrates broad based support which includes a letter of support from Maui County Councilman, Mr. Shane Sinenci; 6 letters of support from agencies such as the Maui Nui Makai Network, Kipahulu Ohana, Inc., Ma Ka Hana Ka Ike, Ala Kukui, Na Mamo O Muolea and Maui Cultural Lands; 10 letters of support from individual community members and a petition of support with signatures from 133 persons on Maui along with documentation in the form of meeting minutes and presentations related to a series of community meetings and workshops focused on the future use and management of Camp Keanae that contemplates providing for expanded opportunities for community development in East Maui.

YMCA WITHDRAWS ITS APPLICATION

On November 17, 2020, MDLO received an electronic mail message from Mr. Mike Morris representing the YMCA noting that: “the Y is withdrawing its application for the lease at Camp Keanae” along with a copy of letter addressed to DLNR Deputy Director Mr. Robert Masuda stating: “it has been decided not to extend the lease for Camp Keanae.” A copy of the letter is attached as Exhibit C.

JUSTIFICATION FOR REVOCABLE PERMIT:

Given that the NMAOKH, a twenty four (24) year old organization that was incorporated in 1996 and based in the Keanae / Wailua region, was the only other interested party that submitted an application to lease the subject premises and the fact that the anticipated lease holder, YMCA, recently withdrew its application, MDLO finds that it is in the best interest of the State to issue an immediate right-of-entry permit and one-year revocable permit to NMAOKH to oversee this transition period at Camp Keanae as well as to provide time for the organization to plan for and build its capacity towards prudent operation and management of Camp Keanae in the best interest of the State.

It is the expectation of the DLNR that NMAOKH will formulate the operational and management capacity to continue operations at Camp Keanae. The one-year revocable permit will allow time for NMAOKH to formulate a committee to further explore opportunities to expand recreational activities and community use on site along with opportunities for community organizations on Maui to discuss plans and opportunities for use of the premises with NMAOKH.

In the event during this one-year revocable permit period NMAOKH decides not to move forward with a long term lease, or if staff perceives another opportunity to establish the highest

and best use of the premises, staff may recommend, in the best interest of the State, implementation of an RFP / RFQ process to solicit other uses for the site.

AGENCY COMMENTS

Comments regarding the continued disposition of the subject lands for recreational camping purposes were solicited for the holdover period of the subject premises from the following agencies: The Office of Hawaiian Affairs provided no response. DLNR State Parks had no comments and the Division of Forestry and Wildlife had no objections. Staff did further inquire with DOFAW staff to determine whether they could use the facility for staging of department operations for operation in the nearby forest reserve and game management areas and they noted that they were not interested. Finally, both the County of Maui Planning Department and Parks and Recreation has no objections.

The department generally issues leases at fair market rental value as determined by an appraiser or via public auction. At the Board's May 13, 2005 meeting, item D-19, the Board established a minimum rent policy providing for a minimum rent of no less than \$480 per year. NMAOKH is an eleemosynary organization, and the Board may set the rent at a nominal amount by direct negotiation pursuant to HRS 171-43.1. Staff recommends rent to be set at \$480 for one-year revocable permit for operation, maintenance, planning and decision making related to the subject premises.

RECOMMENDATION: That the Board:

1. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Chapter 11-200.1, 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 right-of-entry permit to Na Moku Aupuni O Koolau Hui covering the subject area 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 right-of-entry permit form, as may be amended from time to time; and
 - b. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.
3. Authorize the issuance of a revocable permit to Na Moku Aupuni O Koolau Hui covering the subject area for recreational camp site 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,

KEM

Daniel Ornellas

RT

Daniel Ornellas
District Land Agent

APPROVED FOR SUBMITTAL:

Suzanne D. Case

Suzanne D. Case, Chairperson

DAVID Y. IGE
GOVERNOR OF HAWAII



**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES**

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

December 11, 2020

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

ROBERT K. MASUDA
FIRST DEPUTY

M. KALEO MANUEL
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

EXEMPTION NOTIFICATION

regarding the preparation of an environmental assessment pursuant to Chapter 343, HRS and Chapter 11-200.1, HAR

Project Title:	Issuance of Immediate Right-of-Entry and Revocable Permit to Na Moku Aupuni O Koolau Hui, Keanae, Hana, Maui, Tax Map Key: (2) 1-1-002: 008 & 009.
Project / Reference No.:	20MD-099
Project Location:	Government lands of Keanae, Hana, Maui, identified by Tax Map Key (TMK) (2) 1-1-002: 008 and 009, as shown on the attached map labeled <u>Exhibit A</u> .
Project Description:	Operation and Maintenance of Camp Site for Recreational Purposes
Chap. 343 Trigger(s):	Use of State Land
Exemption Class No. and Description:	In accordance with Hawaii Administrative Rules (HAR) § 11-200.1-16(a) and the Exemption List for the Department of Land and Natural Resources reviewed and concurred on by the Environmental Council on March 3, 2020, the subject request is exempt from the preparation of an environmental assessment pursuant Exemption Class No. 1 that states, "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," and Item 10 that states, "Operation, repair and maintenance, of existing recreational facilities, such as campsites, cabins, shelters, and other similar

structures, and the appurtenant support facilities and structures;" Item 27 that states, "Maintenance of existing landscaping, including planting, trimming mowing and irrigation;" Item 41 that states, Leases of state land involving negligible or no expansion or change of use beyond that previously existing;" And Item 44 that states, "Permits, licenses, registrations, and rights-of-entry issued by the Department that are routine in nature, involving negligible impacts beyond that previously existing."

Cumulative Impact of
Planned Successive
Actions in Same Place
Significant:

None.

Action May Have
Significant Impact on
Particularly Sensitive
Environment:

The requested area has historically been used for the proposed purposes since the 1960's by residents and visitors to Maui and is used extensively for recreational camping purposes. In addition, based on the analysis below, staff believes there would be no significant impact to sensitive environmental or ecological receptors.

Agencies Consulted:

DLNR: Maui Division of Conservation and Resources Enforcement, Maui Division of Forestry and Wildlife, State Parks, County of Maui, Planning Department, Parks and Recreation and Office of Economic Development and the Office of Hawaiian Affairs.

Analysis:

Activities are similar in type and scope that periodically occurred and continue to occur on this and other sites across the State. Such activities have resulted in no known significant impacts, whether immediate or cumulative, to the natural, environmental and/or cultural resources in the area. Staff also believes that the request would involve negligible or no expansion or change in use of the subject area beyond that previously existing.

Recommendation:

That the Board find this project will probably have minimal or no significant effect on the environment and is presumed to be exempt from the preparation of an environmental assessment.

(2) 1-1-002:008



EXHIBIT A



Exhibit A

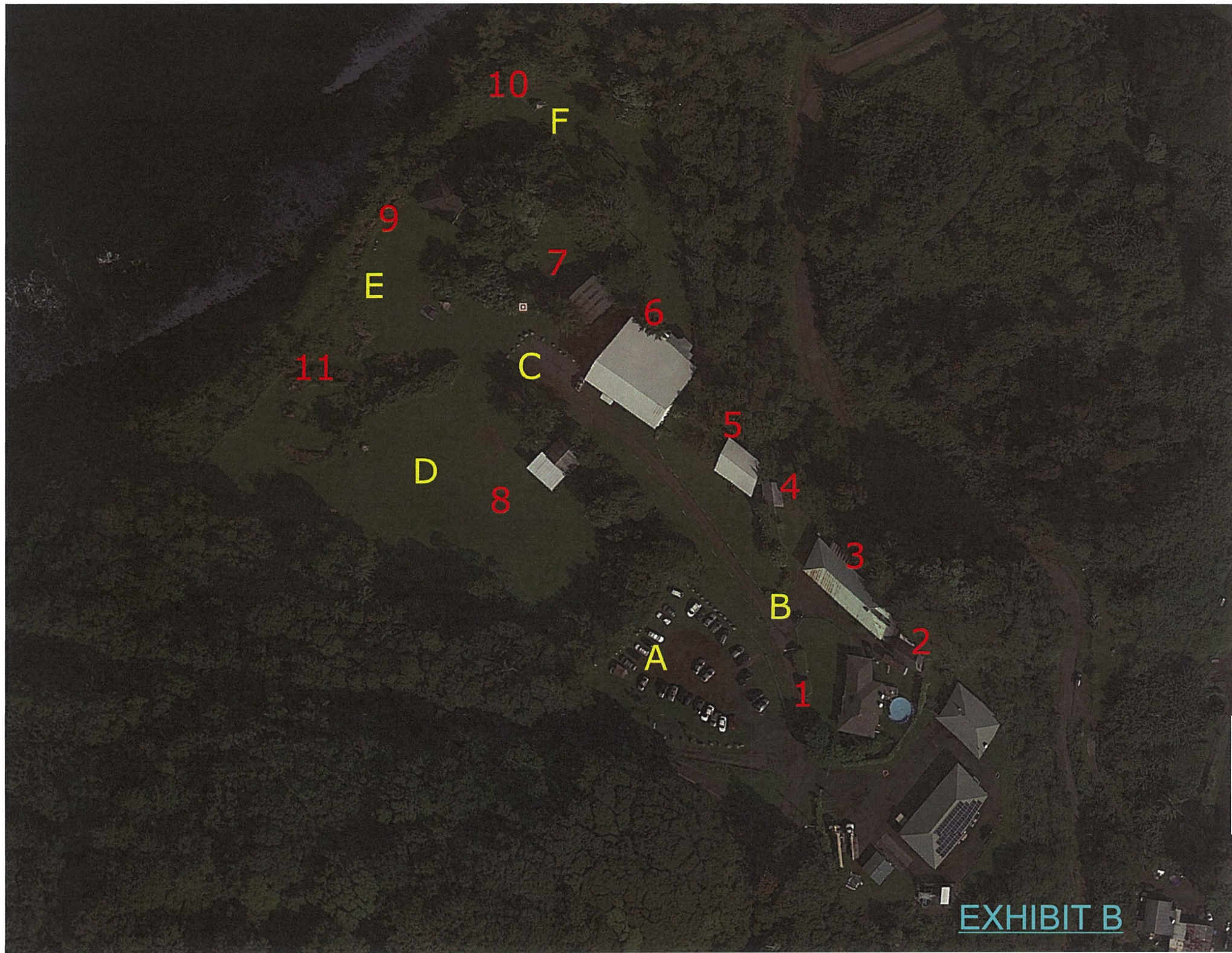


EXHIBIT B

ITEM LABEL	NAME	BUILT DATE	DIMENSIONS	AREA	DESCRIPTION	IMPROVEMENTS	FUTURE ACTIONS
1	Residence				Manager House / Office		
2	Staff				A - Frame Staff House		
3	Dining Hall		32' x 101'	3232 sf	Kitchen and Dinning Room	Decking	2018-Painted
4	Upper Bath		16' x 21'	336 sf	Men / Women Restroom and Shower		
5	Tadashi		32' x 40'	1280 sf	Dorm Rooms		
6	Gym		70' x 80'	5600 sf	Gym / Dorm Rooms		
7	Lower Bath		30' x 32'	960 sf	Men / Women Restroom and Shower		
8	Field Dorms		25' x 45'	1125 sf	Dorm Rooms		
9	Cottage				Cottage Duplex		
10	Gazebo	2017	10' x 12'				
11	Imu	2018	8' x 14'				
A	Upper Parking			sf	X Car spaces		
B	Dining Parking			sf	X Car spaces		
C	Gym Parking			sf	X Car spaces		
D	Upper Field			sf	Lawn Area - Multi Use		
E	Lower Field			sf	Lawn Area - Multi Use		
F	Rope Course			sf	Leadership Training		

Robert Masuda
First Deputy
DLNR, State of Hawaii

November 17, 2020



Dear Mr. Masuda

I would like to start by saying that that the Maui Family YMCA has enjoyed 55 years of stewardship of Camp Keanae. In the last 20 years alone we are extremely proud of our accomplishments at Camp Keanae which includes investing over \$450,000 in new buildings and remodeling projects. But most importantly, we at the Y will cherish the wonderful stories and impact on the lives of so many individuals. I would like to thank the DNLR for the previous 55 year relationship which gave us that opportunity to have such a positive impact on many lives on Maui and to people worldwide.

After many discussions and deliberations, it has been decided not to extend the lease for Camp Keanae.

After the board reviewed some past emails from DNLR and listening to some of the community members from the Keanae area, it became apparent that it may be time that we focus our energies and resources where we will have the largest impact for our community, while allowing the camp to be used for something that might better suit the DNLR.

The Board of Directors and staff at the Maui Family YMCA want to thank you for your support for so many years and wish the best of luck with the camp in the future.

There are a couple things I would like to mention. The water and electric are scheduled to be turned off on November 23rd, and we currently have several assets on the property including riding lawnmower, weed eaters, refrigerators, freezers, beds etc. we would be happy to talk to you or the next tenant about negotiating a fair price for these items.

Sincerely,

Mike Morris
President/CEO
Maui Family YMCA

Maui Family YMCA
250 Kanaloa Avenue
Kahului, HI 96732

EXHIBIT "C"

mauiymca.org
808-242-9007
mike@mauiymca.org