

STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
Division of State Parks  
Honolulu, Hawaii 96813  
July 9, 2021

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

O'ahu

Authorize Rent Modification of Concession Contract No. IFB No. DLNR-SP-2017 01 to Pro Park, Inc., Concessionaire at Diamond Head State Monument, Kapahulu, Waikiki, Honolulu, O'ahu, Hawaii, Tax Map Key: (1) 3-1-042: portion of 006.

APPLICANT:

Pro Park, Inc., a Domestic Profit Corporation

LEGAL REFERENCE:

Hawaii Revised Statutes Section 171-55 as amended.

LOCATION:

Portion of Government Land located in Diamond Head State Monument, Kapahulu, Waikiki, Honolulu, O'ahu, Hawaii, Tax Map Key: (1) 3-1-042:026, as shown on the map attached as Exhibit A.

AREA:

5 acres, more or less

ZONING:

State Land Use District:	Conservation, Urban
County of Honolulu:	P-1 Restricted Preservation District, P-2 General Preservation District

TRUST LAND STATUS:

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

CURRENT USE STATUS:

Encumbered by Concession Contract No. IFB No. DLNR-SP-2017 01 to Pro Park, Inc., Concessionaire for collection of parking and entrance fees.

CHARACTER OF USE:

Collection of parking and entrance fees at Diamond Head State Monument.

TERM:

Month-to-month

COMMENCEMENT DATE:

To be determined by the Chairperson.

MONTHLY RENTAL:

Ninety-nine percent (99%) of net operating income (NOI)

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with Hawai'i Administrative Rule §11-200.1-16 and the Exemption List for the Department of Land and Natural Resources reviewed and concurred on by the Environmental Council on November 10, 2020, the subject request is exempt from the preparation of an environmental assessment pursuant to General Exemption Type 1, which states, "Operations, repairs or maintenance of existing structures, facilities, equipment, or topographical features, involving minor expansion or minor change of use beyond that previously existing, Part I, 40. Leases of state land involving negligible or no expansion or change of use beyond that previously existing. See Exhibit B.

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>

REMARKS:

The adoption of H.A.R. 13-146 Increase Fees supported an adjustment to the rent however, an adjustment is needed for the permit holder. Parks has worked with the concessionaire on a new monthly rent and feels the Board can authorized the change.

The Price Adjustment, paragraph 21. of Concession Contract IFB No. DLNR-SP-2017-01 allows for "Any adjustment in the contract price pursuant to a provision in this Contract shall be made in one or more of the following ways: (1.) By agreement on a fixed price adjustment before commencement of the pertinent performance or as soon thereafter as practicable."

RECOMMENDATION: That the Board:

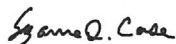
1. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Chapter 11-200.1-16, HAR, this project will probably have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment.
2. Authorize a modification to the monthly rent to ninety percent (90%) of net operating income (NOI) for Concession Contract DLNR-SP-2017-01, under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:
  - a. The new rent will be effective thirty (30) days from the approval by the Board.
  - b. The standard terms and conditions of the most current concession contract form, as may be amended from time to time;
  - c. Review and approval by the Department of the Attorney General; and
  - d. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interest of the State.

Respectfully Submitted,



Curt Cottrell, Administrator  
Division of State Parks

APPROVED FOR SUBMITTAL:



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

Attachments: Exhibit A - Location  
Exhibit B - Chapter 343 Exemption





STATE OF HAWAII

SURVEY DIVISION

DEPT. OF ACCOUNTING AND GENERAL SERVICES

HONOLULU

CSF. NO. 13,60

April 3, 1962

DIAMOND HEAD STATE MONUMENT

PARCELS A, B, C and D

Kapa.hulu, Waikiki, Honolulu, Oahu, Hawaii

Being portions of L.P. 8165, Part Bon a portion of L.C, Aw. 8559-B Apana. 32 to William C. Lunalilo.

Being also portions of the land conveyed to the Minister of Interior by the Trustee of William C. Lunalilo Estate by Deed dated June 17, 1884, and recorded in Liber 88 on Pages 223 and 224 (Land Office Deed 136).

PARCEL A -- Beginning at the north corner of this parcel of land, the true azimuth and distance from u. s. Military Reservation Monument 10 being 41° 08' 50" 9,50 feet, and the coordinates of said point of beginning referred to Government Survey Triangulation station "LEAHI" being 3005.21 feet North and 565.90 feet East, as shown on Government Survey Registered Map H.T.S. Plat 2145-H, thence running by azimuths measured clockwise from True South:-

1. 320° 52' 91.30 feet a long Diamond Head Reservoir Lot, Governor's Executive Order 605;
2. 41° 08' 50" 130.00 feet a long Diamond Head Reservoir Lot, Governor's Executive Order 605;
3. 311° 08' 50" 430.00 feet a long Diamond Head Reservoir Lot, Governor's Executive Order 605;
4. 234° 49' 13" 318.81 feet a long Diamond Head Reservoir Lot, Governor's Executive Order 605;
5. 333° 08' 40" 80.00 feet a long Fort Ruger Military Reservation, Tract 1-C of Presidential Executive Order 10648 dated December 8, 1955;
6. 57° 15' 45" 1100.75 feet a long Parcel B, DIAMOND HEAD STATE MONUMENT, hereinbelow described;

- 2 -

7. 37° 30' 900.00 feet along Parcel B, DIAMOND HEAD STATE MONUMENT, hereinbelow described;
8. 30° 00' 765.00 feet along Parcel B, DIAMOND HEAD STATE MONUMENT, hereinbelow described to the middle of gulch;

Thence along the middle of gulch along Parcel D, DIAMOND HEAD STATE MONUMENT, for the next five (5) courses, the direct azimuths and distances between points in the middle of said gulch being:

- |     |          |              |
|-----|----------|--------------|
| 9.  | 115° 00' | 100.00 feet; |
| 10. | 174° 39' | 47.70 feet;  |
| 11. | 105° 30' | 100.00 feet; |
| 12. | 116° 00' | 130.00 feet; |
| 13. | 75° 00'  | 80.00 feet;  |
14. 207° 13' 967.00 feet along Land Court Application 972 to u. s. Military Reservation Monument 12;
15. 224° 30' 931.86 feet along Land Court Application 972 to U. S. Military Reservation Monument 11;
16. 221° 08' 50" 841.34 feet along Land Court Application 1171 to the point of beginning and containing an Area of 26.081 Acres.

PARCEL B -- Beginning at Government Survey Triangulation Station "LE.ARI" (Diamond Head) situated at the highest point on the southwesterly rim of Diamond Head Crater, thence running by azimuths measure clockwise from True South:-

Along the rim of Diamond Head Crater, along Diamond Head Reservation, Governor's Executive Order 1997, for the first six (6) courses, the direct azimuths and distances between points on said rim of Diamond Head Crater being:

- |    |              |                         |
|----|--------------|-------------------------|
| 1. | 302° 44'     | 347.70 feet to a spike; |
| 2. | 304° 13' 30" | 567.50 feet;            |

- 3 -

3. 290° 50' 575.00 feet to a "+"  
cut on top of  
concrete pillbox;
4. 293° 30' 400.00 feet;
5. 261° 32' 30" 833.20 feet to an iron pin;
6. 242° 47' 741.60 feet;
7. 320° 46' 30" 305.40 feet down slope along Diamond Head Reservation,  
Governor's Executive Order 1997;
8. 61° 00' 320.00 feet along Parcel C, DIAMOND HEAD STATE  
MONUMENT, hereinbelow described;
9. 70° 00" 680.00 feet along Parcel C, DIAMOND HEAD STATE  
MONUMENT, hereinbelow described;
10. 91° 00' 1410.00 feet along Parcel C, DIAMOND HEAD STATE  
MONUMENT, hereinbelow described;
11. 100° 00' 129().00 feet along Parcel C, DIAMOND HEAD STATE  
MONUMENT, hereinbelow described;
12. 127° 00" 610.00 feet along Parcel C, DIAMOND HEAD STATE  
MONUMENT, hereinbelow described to  
u. s. Military Reservation Monument 24;
13. 115° 35' 222.00 feet along Land Court Application 873 to  
u. s. Military Reservation Monument 23;
14. 205° 21' 35" 195.54 feet along Reservoir Site to U. S. Military  
Reservation Monument 22;
15. 116° 32' 40" 279.77 feet along Reservoir Site to U. S. Military  
Reservation Monument 21;
16. 210° 00" 1590.00 feet along Parcel D, hereinbelow described,  
and Parcel A, hereinabove described;
17. 217° 30' 900.00 feet along Parcel A, DIAMOND HEAD STATE  
MONUMENT, hereinabove described;
18. 237° 15' 45" 1100.75 feet along Parcel A, DIAMOND HEAD STATE  
MONUMENT, hereinabove described;
19. 333° 08' 40" 248.70 feet up slope, along Diamond Head Reservation,  
Governor's Executive Order 1997, to the  
rim of Diamond Head Crater;

Thence along the rim of Diamond Head Crater along Diamond Head Reservation,  
Governor's Executive Order 1997, for  
the next seven (7) courses, the direct  
azimuths and distances between points  
on said rim of Diamond Head Crater being:

20. 58° 31' 126.10 feet to a spike;
21. 52° 14' 597.80 feet to a spike;
22. 41° 00' 385.00 feet;

April 3, 1962

- 4 -

23.	22° 21' 30"	417.90 feet to a spike;
24.	33° 00'	420.00 feet;
25.	50 15'	580.80 feet to a spike;
26.	359° 37'	404.40 feet to the point of beginning and contain- ing an Area of 77.60 Acres.

PARCEL C -- Beginning at the easterly corner of this parcel of land, the southwest corner of Lot 1-A of Diamond Head View Lots, Unit One, and on the north side of Diamond Head Road, the coordinates of said point of beginning referred to Government Survey Triangulation Station "LEAHI" being 763.87 feet South and 3432.36 feet East, as shown on Government Survey registered Map H.T.S. Plat 2165-A, thence running by azimuths measured clockwise from True South:-

Along the north side of Diamond Head Road for the first eleven (11) courses, described as follows:

1. 47° 00' 41.29 feet;
2. 69° 47' 55" 390.77 feet to U. S. Military Reservation Monument 26-J;
3. 65° 38' 33" 1067.58 feet to U. S. Military Reservation Monument 26-r;
4. Thence on a curve to the right with a radius of 543.69 feet, the chord azimuth and distance being: 76° 15' 07" 200.20 feet to U.S. Military Reservation Monument 26-H;
5. 86° 51' 41" 285.85 feet to U. S. Military Reservation Monument 26-G;
6. Thence on a curve to the right with a radius of 686.78 feet, the chord azimuth and distance being: 93° 35' 48" 161.08 feet to u. s. Military Reservation Monument 26-F;



7. 100° 19' 55" 1319.22 feet to a 1½-inch galvanized iron pipe marking U. S. Military Reservation Monument 26-E;
8. Thence on a curve to the left with a radius of 603.69 feet, the chord azimuth and distance being: 91° 31' 46" 184.77 feet to U. S. Military Reservation Monument 26-D;
- 9, 82° 43' 36" 206.27 feet to U. S. Military Reservation Monument 26-C;
10. Thence on a curve to the right with a radius of 380.28 feet, the chord azimuth and distance being: 96° 57' 30" 186.97 feet to U. S. Military Reservation Monument 26-B;
11. 111° 11' 24" 22.75 feet to U. S. Military Reservation Monument 26-A;
12. 124° 30' 635.89 feet along Grant 3219 to Kahololio to U. S. Military Reservation Monument 26;
13. 213° 10' 200.50 feet along Makalei Tract (File Plan 292) to U. S. Military Reservation Monument 25;
14. 212° 00' 269.00 feet along Makalei Tract (File Plan 292) and along Land Court Application 873 to U. S. Military Reservation Monument 24;
15. 307° 00' 610.00 feet along Parcel B, DIAMOND HEAD STATE MONUMENT, hereinabove described;
16. 280° 00' 1290.00 feet along Parcel B, DIAMOND HEAD STATE MONUMENT, hereinabove described;
17. 271° 00' 1410.00 feet along Parcel B, DIAMOND HEAD STATE MONUMENT, hereinabove described;
18. 250° 00' 680.00 feet along Parcel B, DIAMOND HEAD STATE MONUMENT, hereinabove described;
19. 241° 00' 320.00 feet along Parcel B, DIAMOND HEAD STATE MONUMENT, hereinabove described;
20. 320° 46' 30" 118.80 feet along land owned by the State of Hawaii;
21. Thence along Lot 1-A of Diamond Head View Lots, Unit One, on a curve to the left having a radius of 15,00 feet, the chord azimuth and distance being: 330° 39' 38.5" 29.62 feet to the point of beginning and containing an Area of 32.168 Acres.

PARCEL D -- Beginning at concrete monument 18 at the southwest corner of this parcel of land and the southeast corner of Grant 3381 to James Campbell, (Diamond Head Terrace, File Plan 214), the coordinates of said point of beginning referred to Government Survey Triangulation Station "LEAH!" being 206.92 feet South and 1373.99 feet West, as shown on Government Survey Registered Map H.T.S. Plat 2145-H, thence running by azimuths measured clockwise from True South:-

1. 162° 31' 20" 364.95 feet along Grant 3381 to James Campbell (Diamond Head Terrace, File Plan 214) to concrete monument 12-B;
2. 209° 57' 20" 705.81 feet to concrete monument 12-A;
3. 207° 13' 105.00 feet to the middle of gulch;

ence along the middle of gulch along Parcel A hereinabove described for the next five (5) courses, the direct azimuths and distances between points along the middle of said gulch being:

4. 255° 00' 80.00 feet;
5. 296° 00' 130.00 feet;
6. 285° 30' 100.00 feet;
7. 354° 39' 47.70 feet;
8. 295° 00' 100.00 feet;

9. 30° 00' 825.00 feet along Parcel B hereinabove described;
10. 40° 14' 312.27 feet along Reservoir Site (Part II of Presidential Executive Order 1377, dated June 26, 1911);
11. 130° 14' 81.46 feet along land owned by the State of Hawaii to the point of beginning and containing an area of 9.474 Acres.

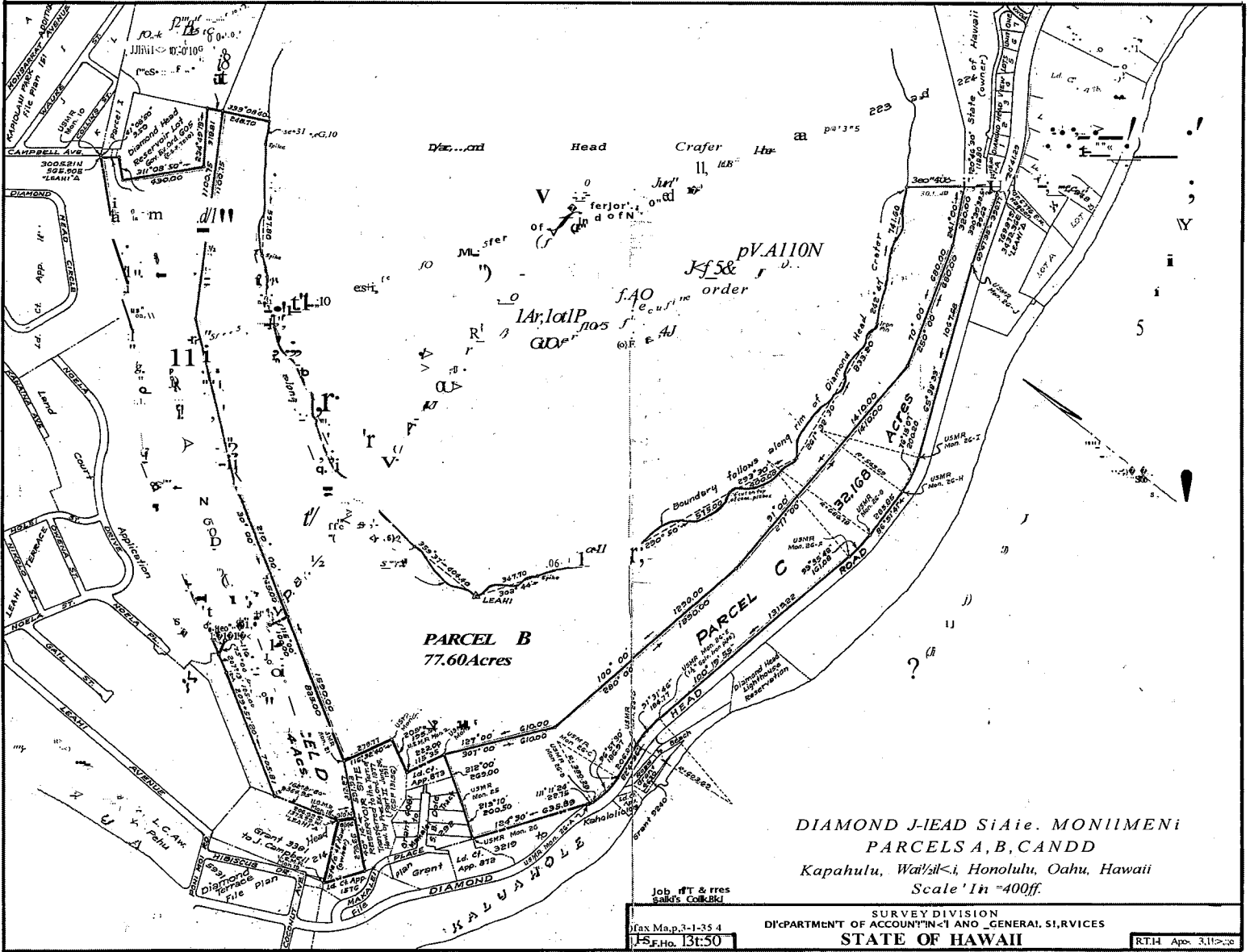
SURVEY DIVISION  
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES  
STATE OF HAWAII

Compiled from Gov't.  
Survey Records.

By: Akira Taga  
Land Surveyor

2-y.

lkt



DIAMOND HEAD State MONUMENT  
 PARCELS A, B, C AND D  
 Kapahulu, Waialae, Honolulu, Oahu, Hawaii  
 Scale 1" = 400ft.

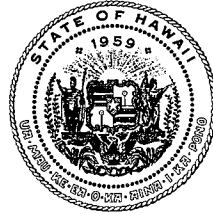
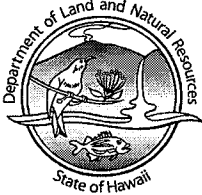
Job #T & res  
 64855 COL-841

SURVEY DIVISION  
 DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES  
 STATE OF HAWAII

RT-14 Apr 3, 1956  
 1/133-5 cf.



DAVID Y. IGE  
GOVERNOR OF  
HAWAII



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  
CONSERVATION AND RESOURCES ENFORCEMENT  
ENGINEERING  
FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809  
**EXEMPTION NOTIFICATION**

Regarding the preparation of an environmental assessment pursuant to Chapter 343, HRS and Chapter 11-200.1-16, HAR.

Project Title:	Authorize Rent Modification of Concession Contract No. IFB No. DLNR-SP-2017-01 to Pro Park, Inc., Concessionaire at Diamond Head State Monument
Project Number:	DLNR-SP-201701
Project Location:	Portion of Government land located at Diamond Head State Monument, Kapahulu, Waikiki, Honolulu, Oahu, Hawaii, Tax Map Key: (1) 3-1-042:026
Project Description:	Authorize Rent Adjustment
Chap. 343 Trigger(s):	Use of State Land  In accordance with Hawai'i Administrative Rule §11-200.1-16 and the Exemption List for the Department of Land and Natural Resources reviewed and concurred on by the Environmental Council on November 10, 2020, the subject request is exempt from the preparation of an environmental assessment pursuant to General Exemption Type 1, which states, "Operations, repairs or maintenance of existing structures, facilities, equipment, or topographical features, involving minor expansion or minor change of use beyond that previously existing, Part I, 40. Leases of state land involving negligible or no expansion or change of use beyond that previously existing. See Exhibit B.
Cumulative Impact of Planned Successive Actions in Same Place Significant?	No, the requested location has been used for same use.
Analysis:	The request would involve negligible or no expansion or change in use of the subject location beyond that previously existing.
Consulted Parties:	A copy of the memo to the chair, including this attachment, in draft form was transmitted to Department of Defense and DOCARE for comment.
Recommendation:	That the Board find this project will have minimal or no significant effect on the environment and is presumed to be exempt from the preparation of an environmental assessment.

