

State of Hawai'i  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
Division of State Parks  
Honolulu, Hawai'i

December 10, 2021

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

Kaua'i

Authorize the Department of Land and Natural Resources, Division of State Parks to Directly Negotiate a Fifteen (15) year Lease with the Hawai'i Conference Foundation, an Eleemosynary Organization, for Commercial Public Camping and Lodging Purposes at Lot 56 situated at Kōke'e, Waimea (Kona), Kaua'i, Hawai'i, Tax Map Key: (4) 1-4-004:027 A, B.

APPLICANT:

Hawai'i Conference Foundation, a registered 501 (c)(3) nonprofit organization.

LEGAL REFERENCE:

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

LOCATION:

Lot 56, Kōke'e, Waimea (Kona) Kaua'i, Hawai'i, Tax Map Key: (4) 1-4-004:027, A and B as shown on the attached map, Exhibit A.

AREA:

Approximately .50 acres, more or less

ZONING:

State Land Use District: Conservation  
County of Kaua'i: OP

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 Governor's Executive Order No. 3087 to be under the control and management of the Department of Land and Natural Resources, Division of State Parks as an addition to Kōke'e and Waimea State Parks for park purposes.

CHARACTER OF USE:

Hawai'i Conference Foundation currently provides children and families access to facilities for camps, retreats, and programs for the welfare of the Kaua'i community.

COMMENCEMENT DATE:

To be determined by the Chairperson.

ANNUAL RENTAL:

Currently paying \$6,800.00 annually. State Parks is requesting the nominal rate of \$480 per annum for the first four (4) years of the lease. Thereafter, in the beginning of the fifth (5<sup>th</sup>) year of the lease until the lease expiration, the rental rate shall be 5.00% of monthly gross sales for public campground and lodging use as determined by an independent appraisal.

COLLATERAL SECURITY DEPOSIT:

Five Thousand Dollars (\$5,000.00)

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 Exemption Class No. 1, which states, "Operations, repairs or maintenance or existing structures, facilities, equipment, or topographical features, involving minor expansion or minor change of use beyond that previously existing, Part I, 10. Operation, repair and maintenance of existing recreational facilities, such as campsites, cabins, shelters, and other similar structures, and the appurtenant support facilities and structures." See attached exemption declaration Exhibit B.

DCCA VERIFICATION:

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

## REMARKS:

Hawai'i Conference Foundation, an eleemosynary organization, is requesting to directly negotiate with the Division of State Parks for a commercial public camping and lodging lease for a term of fifteen (15) years. HCF currently has a revocable permit which expires on December 31, 2021. HCF has been partnering with the state for many years and provides the community an opportunity for group camping and lodging and being in touch with nature.

## BACKGROUND:

For decades, the Waineke cottages have been continuously maintained and used by the Kaua'i Association United Church of Christ as a place for spiritual, recreational, and community growth for hundreds of citizens of Kaua'i. The Hawai'i Conference Foundation and its predecessor organization have held various leases and revocable permits with the Department of Land and Natural Resources and with support of the local community.

In the past some of the groups that have stayed at the Waineke cottages have included:

- Volunteer Kōke'e workers eradicating invasive plants
- Youth groups
- Hula halau preparing for the Emmalani Festival
- The Queen for the Emmalani Festival
- A quilting group making a quilt to be auctioned off to benefit the YWCA women's shelter

The camp was operating until the Environmental Protection Agency (EPA) sent the Department of Land and Natural Resources, Division of State Parks (DSP) a formal Request for Information. Per Revocable Permit SP0191 (formerly SP0395), staff notified HCF to suspend use of the facilities via phone and formal letter. As required by EPA's demand to immediately suspend use and abandon the two (2) large capacity cesspools (LCC), DSP took it upon itself to manage the decommissioning.

The camp suspended operations over a year ago as HCF determined it was not economically feasible or practical to operate the facilities with temporary measures and due to the restrictions associated with the pandemic. HCF has requested a long-term lease to help amortize the cost of one (1) individual wastewater systems (IWS) to serve two existing cabins and existing shower house as approved by the Department of Health to replace the two (2) decommissioned LCCs.

DSP has been waiting to proceed to the Board with a request for a lease after the final settlement was reached with EPA. A fine was assessed and paid with the fiscal support of Land Division. Despite the Indemnity language in paragraph 11 of the revocable permit, DSP determined the public would be best served by

waiving the obligation for the commitment of HCF to incur the EPA fines. As a trade-off, HCF will, at their own cost, install one (1) new individual wastewater system (IWS). This system is estimated to cost approximately \$31,000.00.

HCF will only reoccupy the premises once it has completed the IWS or implemented any interim measures as approved by the Department of Health.

DSP recommends the issuance of a General Lease for a period of fifteen (15) years with the nominal rate of \$480 per annum for the first four (4) years of the lease. Thereafter, in the beginning of the fifth (5<sup>th</sup>) year of the lease until the lease expiration, the rental rate shall be 5.00% of monthly gross sales for public campground and lodging use as determined by an independent appraisal.

In addition, HCF will install at its sole expense the required wastewater system to accommodate the two (2) existing cabins and one (1) shower house and comply with all applicable County, State, and Federal laws.

**RECOMMENDATION: That the Board:**

1. Determine that 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 Exemption Class No. 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, 10. Operation, repair and maintenance of existing recreational facilities, such as campsites, cabins, shelters, and other similar structures, and the appurtenant support facilities and structures."
2. Approve the issuance of a General Lease to the Hawai'i Conference Foundation for a term of fifteen (15) years with the rent at \$480 per annum for the first four (4) years and in the beginning of the fifth (5<sup>th</sup>) year of the lease until the lease expiration, the rental rate shall be 5.00% of monthly gross sales for public campground and lodging use as determined by an independent appraisal.
3. Hawai'i Conference Foundation at its expense will install an individual wastewater system for the two (2) existing cabins and one (1) shower house as approved by the Department of Health, to County and State codes with all proper permits, etc. prior to occupancy of the site.
4. The standard terms and conditions of the most current general lease, as may be amended from time to time;

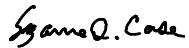
5. Review and approval by the Department of the Attorney General; and
6. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the state.

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 – State of Hawaii Survey of Kōke'e Lots
- Exhibit B – DLNR Exemption List



EXECUTIVE ORDER NO. 3087

WITHDRAWING LAND FROM THE OPERATION OF  
GOVERNOR'S EXECUTIVE ORDER NO. 1509,  
DATED MAY 15, 1952

WHEREAS, by Governor's Executive Order No. 1509 dated May 15, 1952, certain lands situate at Waimea, Kauai, Hawaii, were set aside as a territorial park and forest reserve to be under the control and management of the Board of Commissioners of Agriculture and Forestry, Territory of Hawaii; and

WHEREAS, portions of said lands were recommended by the Natural Area Reserves System Commission as part of the Natural Area Reserves System; and

WHEREAS, the Board of Land and Natural Resources, at its meeting of September 28, 1979, approved the withdrawal.

NOW, THEREFORE, I, GEORGE R. ARIYOSHI, Governor of the State of Hawaii, by virtue of the authority vested in me under Section 171-11, Hawaii Revised Statutes, do hereby order that the following described land, more particularly described in Exhibit "A" and delineated on Exhibit "B", both of which are attached hereto and made a part hereof, said exhibits being, respectively, a survey description and survey map prepared by the Survey Division, Department of Accounting and General Services, State of Hawaii, designated C.S.F. No. 18,815 and dated January 11, 1980, be and the same is hereby withdrawn from the operation of Governor's Executive Order No. 1509, dated May 15, 1952.

SUBJECT to the disapproval by the legislature by two-thirds vote of either the Senate or the House of Representatives or by majority vote of both, in any regular or special session next following the date of this Executive Order.

In Witness Whereof, I have hereunto set my hand and caused the Great Seal of the State of Hawaii to be affixed.  
Done at the Capitol at Honolulu this 2nd day of November, Nineteen Hundred and 81

*George R. Ariyoshi*  
Governor of the State of Hawaii

Approved as to form:

*Kevin Watson*  
Deputy Attorney General

Dated: August 28, 1981

Exhibit A



STATE OF HAWAII

SURVEY DIVISION

DEPT. OF ACCOUNTING AND GENERAL SERVICES

HONOLULU

January 11, 1980

C.S.F. No. 18,815

WITHDRAWAL

PORTION OF KOKEE PARK  
(Governor's Executive Order 1509)

Waimea, Kauai, Hawaii

Being portion of the Government (Crown) Land of Waimea.

Beginning at the east corner of this parcel of land at a  
point on the 3920-foot elevation near the west side of Kokee Road;

Thence westerly along Kaunuohua Ridge to a point on the 3720-foot  
elevation near the southwest corner  
of the Kokee Instrumentation Station;

Thence westerly down the middle of Mahanaloa Valley to a point on  
the common boundary between Na Pali  
Kona Forest Reserve and Kokee Park;

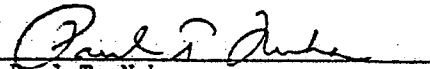
Thence northeasterly along Na Pali-Kona Forest Reserve for a dis-  
tance of approximately 1200 feet,  
more or less, to a point on the  
peak near the 3520-foot elevation;

Thence northeasterly along Na Pali-Kona Forest Reserve for a dis-  
tance of approximately 4700 feet,  
more or less, to a point at the  
middle of Nualolo Valley;

Thence southeasterly up along the middle of Nualolo Valley, to the  
point of beginning and containing an  
AREA OF 295 ACRES, MORE OR LESS.

SURVEY DIVISION  
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES  
STATE OF HAWAII

By:

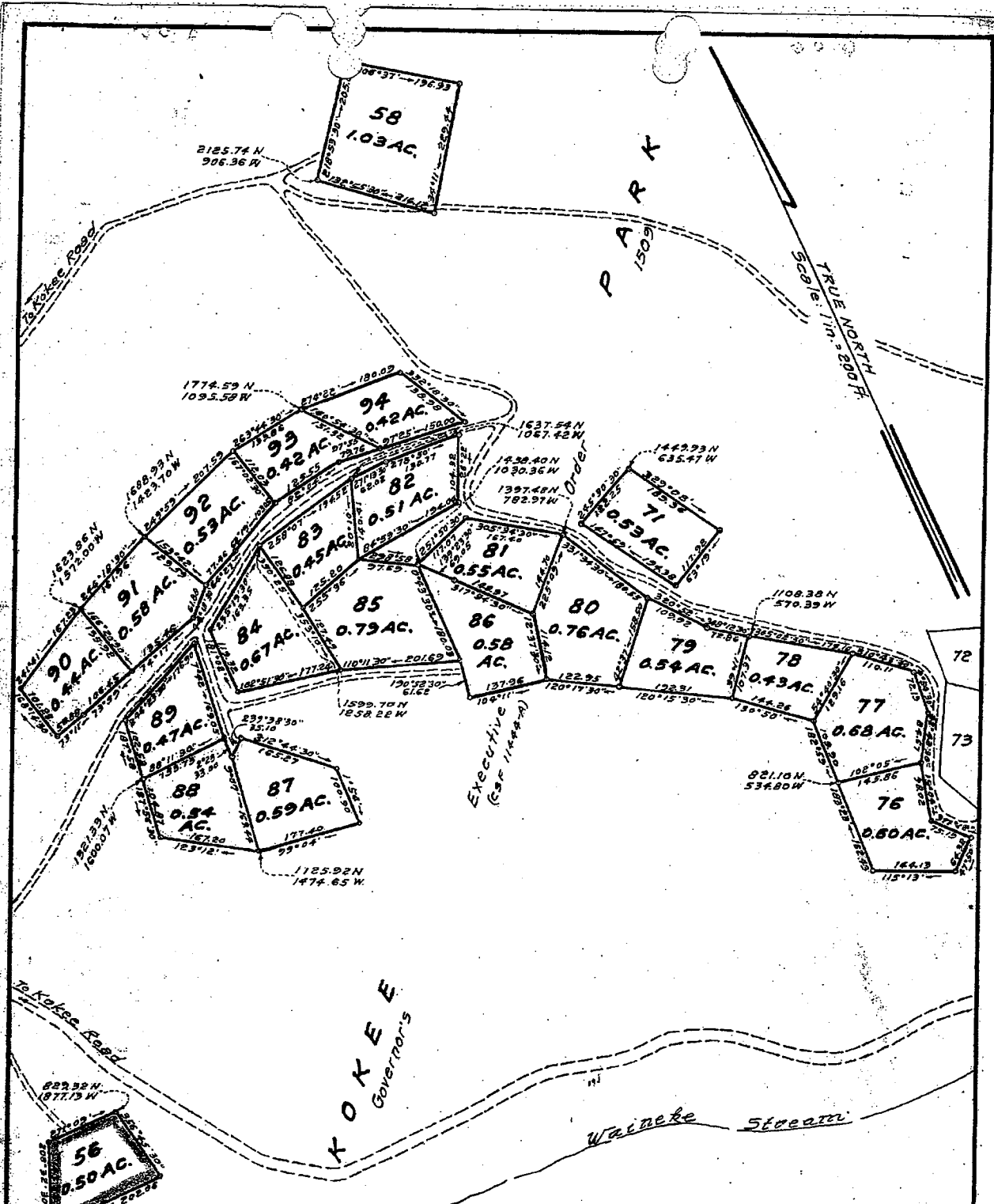
  
Paul T. Nuha  
Land Surveyor

Compiled from USGS  
"Haena" and "Makaha Point" quad  
and Govt. Survey Records.

ac

EXHIBIT "A"





**KOKEE CAMP SITE LOTS**  
**LOTS 56, 58, 71, 76, 77, 78, 79, 80, 81, 82, 83,**  
**84, 85, 86, 87, 88, 89, 90, 91, 92, 93 AND 94**  
 Waimea, (Kona) Kauai, Hawaii.  
 Scale: 1 inch = 200 feet

JOB A-3626  
 C. BK

All corners marked with pipes  
 Coordinates referred to KOKEE 'A'

TAX MAP 1-4-04  
 KAUAI FILE  
 ROLLER 3

SURVEY DIVISION  
 DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES  
**STATE OF HAWAII**

**EXHIBIT "B"**  
 A.I. Nov. 2, 1966

Sheet 7 of 7 Sheets



State of Hawaii

Office of the Lieutenant Governor

This is to Certify That the within is a true copy of Executive Order No. 3087 withdrawing land from the operation of Executive Order No. ...., the original of which is on file in this office.

In Testimony Whereof, the Lieutenant Governor of the State of Hawaii, has hereunto subscribed his name and caused the Great Seal of the State to be affixed.

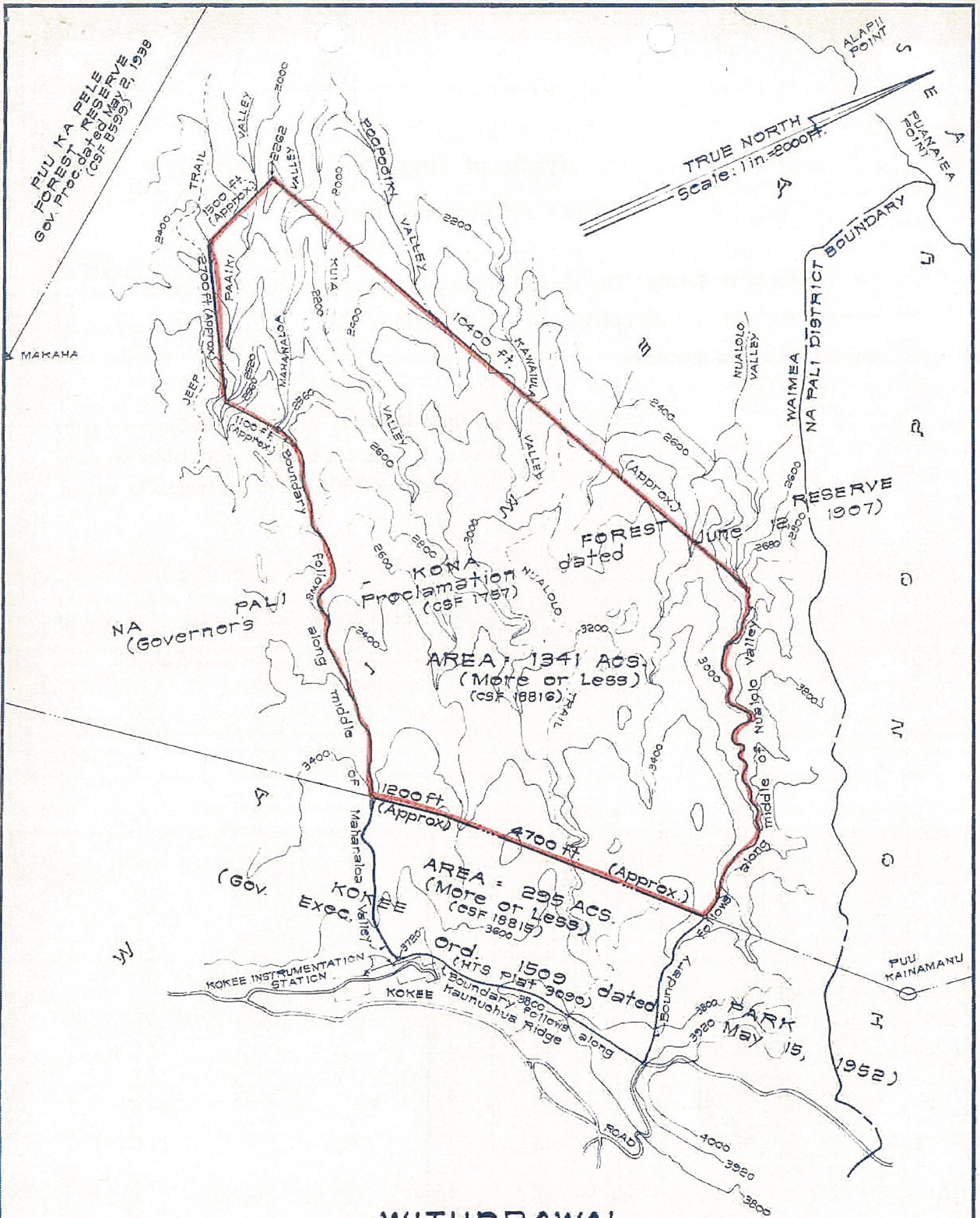
DONE in Honolulu, this ..... day of ..... A.D. 19.....

Executive Order No. 3087

Withdrawing Land from the Operation of Executive Order No. ....

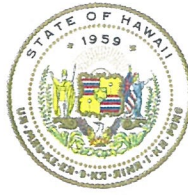
Form with fields for Land, Purpose, and Date, each followed by a dotted line for text entry.

11/3/41



**WITHDRAWAL**  
**PORTION OF NA PALI - KONA FOREST RESERVE**  
 (Governor's Proclamation dated June 12, 1907)  
**AND**  
**PORTION OF KOKEE PARK**  
 (Governor's Executive Order 1509)  
 Waimea, Kauai, Hawaii  
 Scale: 1 inch = 2000 feet

JOB K-412 (79)  
C. BK



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

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

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, HAR.

**Project Title:** Authorize the Department of Land and Natural Resources, Division of State Parks to Directly Negotiate a Fifteen (15) Year Lease with Hawai'i Conference Foundation for Commercial Public Camping and Lodging purposes.

**Project / Reference No.:** SP0191 (formerly SP0395)

**Project Location:** Waimea Canyon State Park, Lot 56, situated at Kōke'e, Waimea, (Kona), Kaua'i, Hawai'i, Tax Map Key: (4) 1-4-004:027, A and B.

**Project Description:** Issuance of General Lease to Hawai'i Conference Foundation

**Chap. 343 Trigger(s):** Use of State Land

**Exemption Class No(s):** 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 Exemption Class No. 1, which states, "Operations, repairs or maintenance or existing structures, facilities, equipment, or topographical features, involving minor expansion or minor change of use beyond that previously existing, Part I, 10. Operation, repair and maintenance of existing recreational facilities, such as campsites, cabins, shelters, and other similar structures, and the appurtenant support facilities and structures."

**Cumulative Impact of Planned Successive Actions in Same Place Significant?** No. The proposed permitted area is already used for recreational camping and lodging.

**Action May Have Significant Impact on Particularly Sensitive Environment?** No. The proposed permitted areas are currently used for recreational camping and lodging.

**Analysis:** Staff believes the request would involve negligible or no expansion or change in use of the subject location beyond existing.

**Consulted Parties:** DLNR – Division of Forestry and Wildlife, Division of Conservation and Resource Enforcement, and Office of Hawaiian Affairs.

**Declaration:** That the Board determines through its judgment and experience, that the action will probably have minimal or no significant effect on the environment and that the action is declared exempt from the preparation of an environmental assessment.

