

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

February 4, 2022

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

Island of O'ahu

Request to Amend General Lease SP0042 to Kokua Kalihi Valley (Comprehensive Family Services), a Hawai'i nonprofit corporation, and Request a Thirty-five (35) Year Lease Extension to continue operating and maintaining cultural, educational, and recreational programs and activities for the public at Kalihi Valley State Park Reserve, Kalihi Valley, Honolulu, O'ahu, Hawai'i, Tax Map Keys: (1) 1-4-014:001, 1-4-014:026 and 1-4-016:003.

APPLICANT:

Kokua Kalihi Valley (Comprehensive Family Services), a 501 (c)(3) nonprofit corporation.

LEGAL REFERENCE:

Hawai'i Revised Statutes (HRS) 171.43.1, as amended.

LOCATION:

Lots 1 and 26, Tax Map Key: (1) 1-4-014 and Lot 3, Tax Map Key (1) 1-4-16 at Kalihi Valley State Park Reserve at Kalihi Valley, Honolulu, O'ahu, Hawai'i.

AREA:

Approximately 99.6 acres more or less.

ZONING:

State Land Use District:	Conservation, Urban
County of Honolulu:	P-1 Restricted Preservation District
	P-2 General Preservation District
	R-10 Residential District

TRUST LAND STATUS:

Section 5(a) lands of the Hawai'i Admission Act  
DHHL 30% entitlement lands pursuant to the Hawai'i Constitution: No

CURRENT USE STATUS:

Encumbered by SP0042 General Lease to Kokua Kalihi Valley which expires on October 31, 2025, and by Governor's Executive Order No. 3770 to be under the control and management of the Department of Land and Natural Resources, Division of State Parks.

CHARACTER OF USE:

Kokua Kalihi Valley requests the approval to add mission-related commercial activity to help further its mission and fund its non-profit programs as part of the Character of Use. The Character of Use currently is, "The Lessee shall use or allow the premises leased, solely for the purpose of operating and maintaining cultural, educational, and recreational programs and activities for the public and for no other purpose. There shall be no commercial activity of any kind as defined under Hawaii Revised Statutes Chapter 102, unless approved by the Chairperson, Board of Land and Natural Resources." Proposed change in Character of Use for current lease and lease extension:

"The Lessee shall use or allow the premises leased, solely for the purpose of operating and maintaining cultural, educational, agricultural, and recreational programs and activities for the general public and for no other purpose, except that Lessee shall be allowed to conduct mission-related commercial activity to further their mission and to raise funds to be used by Lessee to improve, repair, or maintain the leased premises and/or to support Lessee's community programs and staff of the same. There shall be no other commercial activity of any kind as defined under Hawaii Revised Statutes Chapter 102, unless approved by the Chairperson, Board of Land and Natural Resources."

All revenue generated from commercial activity will go directly into the maintenance, development, and upkeep of the property and/or to the cultural, educational, agricultural, and healing programming conducted by Ho'oulu 'Āina (Ho'oulu 'Āina is the name given to the programs offered by Kokua Kalihi Valley within the State Park parcel).

"Commercial activity" will include sales of products that align with and help to extend the mission of Ho'oulu 'Āina, with the intention to allow community members and supporters to connect to the sense of belonging and well-being provided by the organization. Products may include:

- Items that perpetuate the identity of aloha 'āina: sense of wellness, vitality, and responsibility to land and community activated by caring for the land.
- Lā'au lapa'au grown, harvested, and processed with community on the land, providing access and support to those in need of plant medicine and healing.
- Carved and crafted items co-created with community members, perpetuating the values of land-based lifestyles, and repurposing the invasive species found on property, reinforcing the preservation of native forest land.

The vast majority of Ho'oulu 'Āina programming will remain free-of-charge. However, for unique hosting experiences, such as workshops, educational visits, and professional development opportunities, "commercial activity" may also include the charging of fees to visiting groups. Fees will be determined on a case-by-case basis, depending upon services rendered, size of group, availability of grant supplements, and demonstrated need of participating organizations. Fees collected will go directly back to the maintenance, development, and upkeep of the property and/or to the programming directed by Ho'oulu 'Āina.

"Agricultural activities" at Ho'oulu 'Āina are primarily focused on education: teaching the community about healthy eating and lifestyles, as well as regenerative farming techniques. All plants and food items produced onsite support feeding visitors to Ho'oulu 'Āina, community members, and families suffering from food insecurity. Individuals who receive support and education around food-related illness through KKV's medical facilities will also receive healthy, organic produce.

ANNUAL RENT:

Current rent of one hundred forty-four and no/100 Dollars (\$144.00) per annum shall be amended to prevailing nominal rent (\$480.00 per year) until October 31, 2025. Thereafter, rent shall conform to prevailing minimum rent policy, as may be amended, for an additional term of thirty-five (35) years.

COLLATERAL SECURITY DEPOSIT:

Twice the monthly rental

CHAPTER 343 ENVIRONMENTAL ASSESSMENT:

As part of the December 10, 2004, Board of Land and Natural Resources approved board submittal, KKV completed at final Environmental Assessment in May 2006 and a FONSI letter dated May 24, 2006, was issued from OEQC.

In the future, State Parks is requiring an updated Environmental Assessment to be completed before a new building (Hale Lauele) can be approved. It is our

understanding the proposed site for Hale Lauele is outside of the conservation district. This building plan approval request will be the subject of a future Board submittal.

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, 40. Leases of state land involving negligible or no expansion or change of use beyond that previously existing." 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:

Background:

The site was once occupied by a nursery operation and some of the structures and supplies were left on the property. There were several covered parking/workspaces, two residential units and several utility and other buildings. When the property was vacant transients moved in and made use of the structures.

In April 2005, the Board approved a revocable permit to KKV followed by a twenty (20) year lease. KKV was to develop, operate and maintain a public park facility at Kalihi Valley State Park Reserve. KKV created, restored, and renovated the old residential structure on the site and created a classroom and watershed reserve center. KKV proposed to use a large open lanai for an outdoor gather place and the structure would be renovated to provide meeting rooms, restrooms, office space and possibly a caretaker's residence. KKV envisioned retaining many of the existing trees and building new interpretive walking paths. KKV also proposed to landscape the area with native plants and to provide labels for interpretation. KKV has cleaned up, removed debris, and repaired old structures to the extent feasible.

KKV worked with DLNR Division of Forestry and Wildlife and participated in a Forest Stewardship Program called the Koa 'Āina project. The primary goal of the Koa 'Āina project was to restore balance to Kalihi's watershed and native upland forest. Community members work together to cultivate and regenerate the Koa mesic forest that exists in Kalihi's historical descriptions. Specific management objectives were to restore native species and improve habitat, protect, and improve

the soil and water, and engage community in forest stewardship. KKV continues its stewardship of the community and land with its various volunteer programs.

The vegetables grown on the property are given to the local food bank and are also made available to anyone who wishes to stop by their food pantry to pick up can goods and vegetables. KKV continues to be a good partner with the community and state.

State Parks is aware of KKV – Ho‘oulu ‘Āina’s website where items made from the plants grown on the property are sold to the public. The income generated from this aspect goes directly into the various programs that Ho‘oulu ‘Āina provides to the community. State Parks requests that that Board approves this aspect of KKV – Ho‘oulu ‘Āina as an after-the-fact and current approval.

Staff Comments:

KKV’s current twenty (20) year General Lease expires on October 31, 2025, and this request is to extend the existing lease for another thirty-five (35) years. KKV is currently working on bringing two structures - one permanent and one non-permanent shade structure into compliance with City and County code requirements. KKV is working on obtaining building permits after-the-fact. The request for a thirty-five (35) year extension is with the understanding that KKV will bring both buildings into compliance within one year; if not in compliance within a year, KKV will either remove the buildings or refrain from using them until they are in compliance. Furthermore, the addition to add mission-related commercial activity to the Character of Use will allow KKV to fund their various community programs onsite.

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 or 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.”
2. Approve the thirty–five (35) year extension of the General Lease to Kokua Kalihi Valley at the prevailing nominal rental rate, as may be amended (presently \$480.00 per annum).
3. Amend the lease to allow mission-related commercial activity to fund operations at the site, including as an after-the-fact approval.

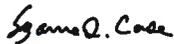
4. Kookia Kalihi Valley at its expense will bring two structures into compliance with permits and other required compliance from the city, county, and state codes within one year; if not in compliance within a year, KKV will either remove the buildings or refrain from using them until they are in compliance.
5. The standard terms and conditions of the most current general lease, as may be amended from time to time.
6. Review and approval by the Department of the Attorney General; and
7. 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 – Location

A1 – Aerial View of Property

Exhibit B – DLNR Exemption List – November 10, 2020



**STATE OF HAWAII**

**SURVEY DIVISION**

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

January 27, 1999

C.S.F. No. 22,800

**KALIHI VALLEY PARK**

Kalihi Valley, Honolulu, Oahu, Hawaii

Being all of the following lots of Land Court Application 1457 and all of Land Court Application 653, filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii and covered by Transfer Certificate of Title Nos. 493,843 and 496,133 issued to the State of Hawaii.

<u>Land Court Application</u>	<u>Lot Number</u>	<u>Map Number</u>	<u>Area</u>
1457	3	1	5.825 Acres
1457	4	1	4.106 Acres
1457	7	1	11.255 Acres
653		1	<u>78.460 Acres</u>
Total Area =			99.646 Acres

The above-described Kalihi Valley Park is subject, however, to the following encumbrances:

1. Easement in favor of the State of Hawaii and the City and County of Honolulu for the free flowage and drainage of water in and through the stream bed of the Kalihi Stream affecting Lot 7 as shown on Map 1 of Land Court Application 1457.
2. Perpetual right of way in favor of Frank Wintera and Eilian Wintera, husband and wife, and their respective heirs and assigns, as set forth in Deed recorded in the Bureau of Conveyances of the State of Hawaii in Liber 1639, Page 446. Said easement or right-of-way is across Spring and Pipe Line Easement affecting Lot 7 as shown on Map 1 of Land Court Application 1457.
3. Agreement dated September 16, 1987 between the City and County of Honolulu and Michael Curtis Barnette and wife Melissa Marie Barnette regarding available water, pressure and receiving tank filed as Land Court Document No. 1512966.

C.S.F. No. 22,800

January 27, 1999

4. Easement for Sanitary Sewer as shown on Map 2 of Land Court Application 653 as set forth by Land Court Order 21729.
5. Grant in favor of the City and County of Honolulu for Sanitary Sewer purposes, filed as Land Court Document No. 316098.

Kalihi Valley Park is subject, also, to any other encumbrances that may be noted on Transfer Certificate of Title Nos. 493,843 and 496,133.

SURVEY DIVISION  
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES  
STATE OF HAWAII

By: Ronald S. K. Sumida  
Ronald S. K. Sumida  
Land Surveyor gm

Compiled from Ld.Ct.App.  
653 and 1457, CSF 21767 and  
other Govt. Survey Records.  
TMK: 1-4-14  
1-4-16



EXHIBIT A1



DAVID Y. IGE  
GOVERNOR OF  
HAWAII



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

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

SUZANNE D. CASE  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
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BOATING AND OCEAN RECREATION  
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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, Hawai'i Administrative Rules.

Project Title:	Request for Extension of a General Lease to Kokua Kalihi Valley at Kalihi Valley State Park
Project Number:	SP0042
Project Location:	Kalihi Valley State Park, O'ahu, Hawai'i, TMK: (1) 1-4-014: 001, 026 Portion and TMK: (1) 1-4-016:003 Portion.
Project Description:	Provide cultural education and community transformation by stewarding and sustainably developing approximately 100 acres of land in the back of Kalihi Valley for the general public.
Chap. 343 Trigger(s):	Use of State Land
Exemption Class No(s):	In accordance with Hawai'i Administrative Rule Chapter 11-200.1-15 and the Exemption List for the Department of Land and Natural Resources reviewed and concurred in by the Environmental Council on March 3, 2020, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 1: "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."  Part 1, item 41 that states, "Leases of state land involving negligible or no expansion or change of use beyond that previously existing."
Cumulative impact of planned successive actions in same place significant?	No
Action may have significant impact on particularly sensitive environment?	No
Analysis:	Staff believes that the request would involve negligible or no expansion or change in use of the subject location beyond that previously existing.
Consulted Parties:	Land Division, Division of Forestry and Wildlife, and Office of Conservation and Coastal Lands
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.

