

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

June 09, 2022

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

O'AHU

Request for a Twenty (20) Year Extension of General Lease SP0006 Hawai'i Nature Center, Inc. at Makiki Valley State Recreation Area, Honolulu, O'ahu, Hawai'i, Tax Map Key: (1) 2-5-019:008 portion.

APPLICANT AND REQUEST:

Hawai'i Nature Center, Inc., a 501 (c)(3) nonprofit corporation.

LEGAL REFERENCE:

Hawai'i Revised Statutes (HRS) 171-43.1, as amended.

LOCATION:

Portion of Government lands at Makiki Valley State Recreation Area, Tax Map Key (1) 2-5-019:008 Portion at Kanaha and Opu, Makiki, Honolulu, O'ahu, Hawai'i attached as **EXHIBIT A**.

AREA:

Decrease from Approximately 10 acres more or less to 2 acres more or less.

ZONING:

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

TRUST LAND STATUS:

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

CURRENT USE STATUS:

Encumbered by SP0006 General Lease to Hawai'i Nature Center, Inc. which expires on August 31, 2022, and by Governor's Executive Order No. 4314 to be under the control and management of the Department of Land and Natural Resources (DLNR), Division of State Parks (DSP).

CHARACTER OF USE:

Interpretation and outdoor education for the general public, school, and community groups, utilizing the natural and cultural resources of the Makiki Tantalus area.

CURRENT ANNUAL RENT:

One hundred thirty-two and no/100 dollars (\$132.00) per annum until August 31, 2022.

INCREASE ANNUAL RENT:

Increased rate shall be at the prevailing minimum rent policy, as may be amended, currently four hundred eighty and no/100 dollars (\$480.00) per annum for the additional twenty (20) years.

COLLATERAL SECURITY DEPOSIT:

Twice the annual rental, equal to nine hundred sixty and no/100 dollars (\$960.00).

CHAPTER 343 ENVIRONMENTAL ASSESSMENT:

In accordance with Hawai'i Administrative Rules (HAR) § 11-200.1-15 and the Exemption List for the Department of Land and Natural Resources concurred 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 "Operations, repairs or maintenance of existing structures, facilities, equipment, or topographical features, involving minor expansion or minor change of use beyond that previously existing." Item 40: "Leases of State land involving negligible or no expansion or change of use beyond that previously existing." Attached as **EXHIBIT B**.

DCCA VERIFICATION:

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

REMARKS:

Hawai'i Nature Center, Inc., (HNC) an eleemosynary organization, is requesting to extend their current twenty-five (25) year general lease SP0006 for an additional twenty (20) year term.

BACKGROUND:

HNC has students come annually for their programs, including more green time and less screen time, and cultivate character, compassion, and stewardship through science-based learning. More than 100 O'ahu schools choose to partner with HNC as the programs meet the State of Hawaii's Department of Education Standards. In 1972 the Outdoor Circle's Parks Committee proposed an education center in O'ahu's Makiki Valley. By 1981, the Makiki Environmental Education Center opened, and five years later, it grew into an independent 501(c)(3) non-profit today known as the Hawai'i Nature Center, Inc.

HNC programs include School Programs from Preschool to Middle School Students, Community Programs, Nature Camps, and Homeschool Environmental Science Series on O'ahu, created for homeschool students ages 6 to 11. HNC will decrease its current lease area size from approximately 10 acres to 2 acres to more accurately reflect current uses and jurisdiction. The new lease area will include only DSP-administered areas. HNC operations on Division of Forestry and Wildlife (DOFAW) lands will not be part of this lease. The Ranger cottage and the Green Machine will be returned to DOFAW, and HNC will remove the two containers presently on DOFAW lands.

DSP and DOFAW discussed the potential transfer of the administration of the lease and management of the relationship with HNC to DOFAW. DOFAW is willing to be the DLNR's primary point of contact for HNC. However, DOFAW does not want to jeopardize the lease with HNC due to strict interpretation of HRS 183-11 regarding leases on Forest Reserve land.

Two lessees now dominate the Makiki State Recreation Area: HNC, and Mana Maoli with sublessee Hālau Kū Māna Charter School. In addition, the O'ahu DOFAW Makiki Baseyard and administrative offices are directly across the access road from HNC, so the potential for additional collaboration and joint stewardship of the Makiki State Recreation Area has been under consideration between DOFAW and DSP. In addition to the HNC activity and DOFAW management activity, the dominant recreational use is by hikers who access the Honolulu Mauka Trail Complex managed by DOFAW's Nā Ala Hele Trail and Access Program.

STAFF COMMENTS:

Staff recommends that HNC complete a boundary survey for the area shown in Exhibit A by a licensed surveyor. It is customary for Parks to seek the Department

of Accounting and General Services (DAGS) Survey Division's comments on surveys used for dispositions. The boundary survey and description are subject to the review of the DAGS, Survey Division. Any changes or corrections to the survey would need to be remedied by HNC.

Staff recommends approval for a twenty (20) year extension of General Lease SP0006 and increase its current rent from \$132.00 to \$480.00 per annum to be consistent with the prevailing minimum rent policy.

Lessee has requested that the lease include a condition that alcohol may be served on the property, on a very occasional and specific basis, notably when hosting fundraising events for high-level program donors.

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 extension of General Lease to Hawai'i Nature Center, Inc. for an additional 20-year period at the increased prevailing nominal rental rate, as may be amended (presently \$480.00 per annum).
3. Approve inclusion of a lease condition allowing alcohol to be served on the property during occasional fundraising events, on a case-by-case basis, with prior permission of DSP and any required approvals by the Honolulu liquor commission.
4. HNC shall be required to provide survey maps and description according to State DAGS standards and at applicant's own cost for the area cited above.
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.

June 09, 2022

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

Exhibit B – Exemption Notification – November 10, 2020

EXHIBIT A

Hawai'i Nature Center, Inc. at
Makiki Valley State Recreation Area



Makiki Arboretum Trail



200 ft

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
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, HAR.

Project Title:	Request for Twenty (20) Year Extension of General Lease SP0006 Hawaii Nature Center, Inc.
Project/ Reference No.:	TBD
Project Location:	Portion of Government lands of Makiki Valley Honolulu Watershed Forest Reserve at Makiki Valley State Recreation Area, Tax Map Key (1) 2-5-019:008 Portion at Kanaha and Opu, Makiki, Honolulu, O'ahu, Hawai'i
Project Description:	Interpretation and outdoor education for the general public and school and community groups, utilizing the natural and cultural resources of the Makiki Tantalus area.
Chap. 343 Trigger(s):	Use of State Land
Exemption Class No.:	In accordance with Hawai'i Administrative Rules (HAR) § 11-200.1-15 and the Exemption List for the Department of Land and Natural Resources concurred 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 "Operations, repairs or maintenance of existing structures, facilities, equipment, or topographical features, involving minor expansion or minor change of use beyond that previously existing." Item 40: "Leases of State land involving negligible or no expansion or change of use beyond that previously existing."
Consulted Parties:	Office of Hawaiian Affairs, DLNR-Land Division, DLNR-DOFAW.
Recommendation:	It is recommended that the Board find that this action will probably have minimal or no significant effect on the environment and is presumed to be exempt from the preparation of an environmental assessment.

EXHIBIT B