

State of Hawai'i
DEPARTMENT OF LAND AND NATURAL RESOURCES
Division of State Parks
Honolulu, Hawai'i 96813

July 8, 2022

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

Request Approval to Continue Revocable Permit SP0002 Issued to Hui Maka'āinana o Makana, for Management of a Reservation System for the Collection of Parking and Entry Fees, Shuttle Services and Resource Enhancement at Hā'ena State Park, Kaua'i, Hawai'i, Tax Map Keys: (4) 5-9-001:022 portion and (4) 5-9-008:001 portion.

APPLICANT:

Hui Maka'āinana o Makana, a 501(c)(3) nonprofit organization

LEGAL REFERENCE:

Hawai'i Revised Statutes §171-13 and 171-55, as amended

LOCATION:

Portion of Government Lands of Hā'ena State Park, Kaua'i, Hawai'i, identified by Tax Map Keys: (4) 5-9-001:022 portion and (4) 5-9-008:001 portion, as shown on the attached as EXHIBIT A.

AREA:

An approximate 20-acre portion of 65.61 acres, more or less (see attached map)

ZONING:

State Land Use District: Conservation
County of Kauai CZO: P-1

TRUST LAND STATUS:

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

CURRENT USE STATUS:

Encumbered by Governor's Executive Order 3391, effective September 13, 1988, setting aside land for state park purposes to be under the control and management of the State of Hawai'i, Department of Land and Natural Resources, Division of State Parks.

CHARACTER OF USE:

For the management of a reservation system for the collection of parking fees, entry fees and shuttle services and resource enhancement.

CHAPTER 343 ENVIRONMENTAL ASSESSMENT:

Both the proposed uses, and the related park improvements to implement this agreement were included in the Hā'ena State Park Master Plan: Final Environmental Impact Statement (FEIS) accepted by Governor David Ige on June 25, 2018, published on July 18, 2018.

The Hā'ena State Park Master Plan (Master Plan) was approved by the Department of Land and Natural Resources (DLNR) Chairperson, Suzanne Case on August 13, 2018 on behalf of the Board of Land and Natural Resources (BLNR).

DCCA VERIFICATION:

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

REMARKS:

Hui Maka'āinana o Makana is a 501(c)(3) nonprofit organization chartered in 1999 with a focused place-based mission dedicated to perpetuating and teaching the skills, knowledge, and practices of our kūpuna through the interpretation, restoration, care, and protection of the natural and cultural resources within Hā'ena State Park. Since its inception until the issuance of the current RP in July 2021, the Hui has worked closely with DSP under a formal stewardship agreement to help improve Hā'ena State Park and care for the natural and cultural resources found there. Through many thousands of hours of volunteer work, the Hui has transformed the tangled jungle of invasive trees which had grown up and covered the land into a healthier cultural landscape. The Hui was also the driving force in establishing the first Community Based Subsistence Fishing Area (CBSFA) in the entire State and currently works closely with the Division of Aquatic Resources (DAR) in its ongoing management. Over the past five plus years, the Hui has worked to prepare for the opportunity to manage Hā'ena SP, culminating with the issuance of this RP for expanded management activities a year ago. This

Revocable Permit has provided an opportunity to gain experience, build capacity and may serve as a foundation for a long-term cooperative community and DSP management relationship as expressed in the Master Plan for Hā'ena SP.

The Hui contracts with The Hanalei Initiative (THI) for shuttle service. THI was established in the fall of 2018 with the mission to identify and solve the immediate and long-term community and environmental needs of Hanalei and Kaua'i's north shore. THI has three main areas of focus, parks and environment, transportation, and economic development that align with the Hui's mandate. With a grant from the County of Kauai, THI operated a partially integrated shuttle service that served the north shore community and visitors to Hā'ena SP until the pandemic required its operations to shut down in March 2019. The Hui has managed the restart of the shuttle service with THI since July 2021. This relationship has provided the Hui with the ability to fully integrate a shuttle service as part of its overall management of Hā'ena SP under this RP.

Under the shuttle-based model, DSP receives all entry fees as rent. However, if the Hui does not provide for a shuttle service, rent will be split ninety percent (90%) to DSP and ten percent (10%) to the Hui of net operating income (NOI).

The Hui has not had a lease, permit, easement or other disposition of State lands terminated within the last five years due to non-compliance with such terms and conditions and therefore, DSP recommends approval of the continuance of Revocable Permit SP002 pursuant to the terms above which, by this reference, are incorporated herein, on a month-to-month basis and for a one-year period ending July 10, 2023.

RECOMMENDATION:

1. Authorize the continuation of Revocable Permit SP0002 pursuant to the terms above which, by this reference, are incorporated herein, on a month-to-month basis and for a one-year period ending July 10, 2023.

Respectfully submitted,



CURT A. COTTRELL
Administrator
Division of State Parks

APPROVED FOR SUBMITTAL:

Suzanne D. Case

SUZANNE D. CASE
Chairperson
Board of Land and Natural Resources

Attachments: Exhibit A – Location map and Survey



STATE OF HAWAII

SURVEY DIVISION

DEPT. OF ACCOUNTING AND GENERAL SERVICES

HONOLULU

C.S.F. No. 20,731

April 4, 1988

**(REVISED APRIL 1988)
HAENA STATE PARK**

PARCEL 1

Haena, Hanalei, Kauai, Hawaii

Comprising the following:

1. Portions of Royal Patent 3596, Land Commission Award 10613, Apana 6 to A. Paki and Royal Patent 7091, Land Commission Award 8200-C, Apana 1 to Mokuohai for Kaenaku, all of Royal Patent 7091, Land Commission Award 8200-C, Apanas 2 and 3 to Mokuohai for Kaenaku and all of Land Commission Award 8200-B, Apanas 1 and 2 to Nanahu acquired by the State of Hawaii by FINAL ORDER OF CONDEMNATION, Civil No. 1186 dated October 2, 1974 and recorded in Liber 10193, Page 390 (Land Office Deed S-26284).
2. Portions of Royal Patent 3596, Land Commission Award 10613, Apana 6 to A. Paki and Royal Patent 6388, Land Commission Award 10941 to Naiwa acquired by the State of Hawaii by FINAL ORDER OF CONDEMNATION, Civil No. 1308 dated May 28, 1975 and recorded in Liber 10937, Page 51 (Land Office Deed S-26528).
3. Portions of Royal Patent 3596, Land Commission Award 10613, Apana 6 to A. Paki and Royal Patent 6388, Land Commission Award 10941 to Naiwa, all of Land Commission Award 7996 to Kanehakili and all of Royal Patent 7638, Land Commission Award 10674 to Pea acquired by the State of Hawaii by FINAL ORDER OF CONDEMNATION, Civil No. 1287 dated November 19, 1974 and recorded in Liber 10301, Page 349, together with four-fifths (4/5) interest in Roadway "N" (Land Office Deed S-26298).
4. Portions of Royal Patent 3596, Land Commission Award 10613, Apana 6 to A. Paki and Royal Patent 5269, Land Commission Awards 7949 and 5477, Apana 2 to Kekela acquired by the State of Hawaii by FINAL ORDER OF CONDEMNATION, Civil No. 1308 dated July 19, 1974 and recorded in Liber 10103, Page 245, together with one-fifth (1/5) interest in Roadway "N" (Land Office Deed S-26263).
5. Portions of Royal Patent 3596, Land Commission Award 10613, Apana 6 to A. Paki and Land Commission Award 7998 to Haole conveyed to the State of Hawaii by Dennis K. Rego and Veralyn R. Taniguchi by deed dated September 29, 1972 and recorded in Liber 8685, Page 381 (Land Office Deed S-25725).

6. Thence along the north side of Kuhio Highway on a curve to the right with a radius of 550.00 feet, the chord azimuth and distance being:
98° 25' 89.81 feet;
7. 103° 06' 447.42 feet along the north side of Kuhio Highway;
8. Thence along the north side of Kuhio Highway on a curve to the left with a radius of 220.00 feet, the chord azimuth and distance being:
83° 56' 144.46 feet;
9. 64° 46' 266.88 feet along the north side of Kuhio Highway;
10. Thence along the north side of Kuhio Highway on a curve to the right with a radius of 180.00 feet, the chord azimuth and distance being:
84° 32' 121.75 feet;
11. 104° 18' 125.79 feet along the north side of Kuhio Highway;
12. Thence along the north side of Kuhio Highway on a curve to the left with a radius of 220.00 feet, the chord azimuth and distance being:
91° 40' 96.23 feet;
13. 79° 02' 438.75 feet along the north side of Kuhio Highway;
14. 143° 12' 32.42 feet along the north side of Kuhio Highway;
15. 87° 30' 49.40 feet along the north side of Kuhio Highway;
16. 89° 54' 30" 76.37 feet along the north side of Kuhio Highway to edge of vegetation at seashore;

Thence along the edge of vegetation at seashore for the next twenty (20) courses, the direct azimuths and distances between points on said edge of vegetation at seashore being:

17. 192° 17' 83.96 feet;
18. 193° 26' 102.72 feet;
19. 206° 56' 125.60 feet;
20. 207° 15' 243.41 feet;

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21.	206° 39'	172.41 feet;
22.	213° 35'	180.54 feet;
23.	235° 29'	238.68 feet;
24.	247° 28'	157.73 feet;
25.	239° 52'	127.11 feet;
26.	274° 47'	143.08 feet;
27.	275° 09'	106.50 feet;
28.	299° 26'	172.43 feet;
29.	289° 04'	128.49 feet;
30.	295° 25'	132.79 feet;
31.	210° 55'	240.06 feet;
32.	255° 43'	236.94 feet;
33.	256° 21'	208.77 feet;
34.	266° 57'	151.37 feet;
35.	264° 57'	237.94 feet;
36.	280° 48'	164.57 feet to the middle of Limahuli Stream;

Thence along the middle of Limahuli Stream, being also along the remainder of R.P. 3596, L.C.Aw. 10613, Apana 6 to A. Paki for the next four (4) courses, the direct azimuths and distances between points along said middle of Limahuli Stream being:

37.	11° 14'	34.10 feet;
38.	26° 04'	77.30 feet;
39.	40° 15'	137.40 feet;
40.	29° 25'	103.35 feet;
41.	360° 00'	209.21 feet along the remainder of R.P. 3596, L.C.Aw. 10613, Ap. 6 to A. Paki;
42.	90° 00'	40.87 feet along the remainder of R.P. 3596, L.C.Aw. 10613, Ap. 6 to A. Paki; to the middle of Limahuli Stream;

Thence along the middle of Limahuli Stream, being also the remainder of R.P. 3596, L.C.Aw. 10613, Ap. 6 to A. Paki for the next nine (9) courses, the direct azimuths and distances between points along said middle of Limahuli Stream being:

43.	345° 14'	58.06 feet;
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44.	13° 52'	62.80 feet;
45.	347° 40'	47.10 feet;
46.	4° 42'	89.20 feet;
47.	18° 41' 30"	218.70 feet;
48.	314° 53' 30"	112.60 feet;
49.	319° 19'	114.80 feet;
50.	336° 20'	97.80 feet;
51.	37° 14'	60.90 feet to the point of beginning and containing an AREA OF 50.38 ACRES, MORE OR LESS.

SURVEY DIVISION
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES
STATE OF HAWAII

By: Stanley T. Nakamura
Stanley T. Nakamura
Land Surveyor

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Compiled from data furn. by
R. M. Towill, CSFs' 16,553,
16,554, 16,574-16,576 and
Govt. Survey Records.



STATE OF HAWAII

SURVEY DIVISION

DEPT. OF ACCOUNTING AND GENERAL SERVICES

HONOLULU

C.S.P. No. 20,732

April 4, 1988

(REVISED APRIL 1988)

HAENA STATE PARK

PARCEL 2

Haena, Hanalei, Kauai, Hawaii

Comprising the following:

- 1. Portions of Royal Patent 3596, Land Commission Award 10613, Apana 6 to A. Paki acquired by the State of Hawaii as follows:**
 - a. John G. Allerton to State of Hawaii by deed dated January 14, 1975 and recorded in Liber 10734, Page 1 (Land Office Deed S-26486).**
 - b. FINAL ORDER OF CONDEMNATION, Civil No. 1308 dated October 17, 1974 and recorded in Liber 10237, Page 151 (Land Office Deed S-26294).**
 - c. FINAL ORDER OF CONDEMNATION, Civil No. 1308 dated October 17, 1974 and recorded in Liber 10237, Page 159 (Land Office Deed S-26295).**
 - d. Patricia S. Rice and Robin C. A. Rice to State of Hawaii by deed dated January 4, 1973 and recorded in Liber 8939, Page 421 (Land Office Deed S-25779).**
 - c. Dora Jane Cole to State of Hawaii by deed dated November 15, 1972 and recorded in Liber 8806, Page 251 (Land Office Deed S-25759).**
- 2. Portion of Royal Patent 7091, Land Commission Award 8200-C, Apana 1 to Mokuohai for Kaenaku acquired by the State of Hawaii by FINAL ORDER OF CONDEMNATION, Civil No. 1186 and recorded in Liber 10193, Page 390 (Land Office Deed S-26284).**
- 3. Portions of Royal Patent 3596, Land Commission Award 10613, Apana 6 to A. Paki and Land Commission Award 7998 to Haole conveyed to the State of Hawaii by the County of Kauai by deed dated March 23, 1978 and recorded in Liber 13410, Page 547 (Land Office Deed S-26989).**

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Beginning in the middle of Limahuli Stream, being also the northeast corner of this parcel of land and on the south side of Kuhio Highway the coordinates of said point of beginning referred to Government Survey Triangulation Station "NIHA 2" being 1032.08 feet South and 10179.69 feet West as shown on Government Survey Registered HSS Plat 3099-A, thence running by azimuths measured clockwise from True South:

Along the middle of Limahuli Stream, being also along the remainder of R.P. 3596, L.C.Aw. 10613, Ap. 6 to A. Paki for the first six (6) courses, the direct azimuths and distances between points on said middle of Limahuli Stream being:

- | | | |
|-----|--------------|--|
| 1. | 57° 00' | 75.48 feet; |
| 2. | 59° 57' | 144.00 feet; |
| 3. | 64° 53' | 77.20 feet; |
| 4. | 44° 32' | 55.00 feet; |
| 5. | 9° 44' | 74.00 feet; |
| 6. | 353° 45' 30" | 79.61 feet; |
| 7. | 94° 00' | 19.00 feet along the remainder of R.P. 3596, L.C.Aw. 10613, Ap. 6 to A. Paki to a "+" cut on rock; |
| 8. | 94° 00' | 41.00 feet along the remainder of R.P. 3596, L.C.Aw. 10613, Ap. 6 to A. Paki; |
| 9. | 184° 00' | 60.00 feet along the remainder of R.P. 3596, L.C.Aw. 10613, Ap. 6 to A. Paki; |
| 10. | 131° 30' | 190.00 feet along the remainder of R.P. 3596, L.C.Aw. 10613, Ap. 6 to A. Paki; |
| 11. | 118° 00' | 200.00 feet along the remainder of R.P. 3596, L.C.Aw. 10613, Ap. 6 to A. Paki; |

Thence along the middle of ridge being also along the remainder of R.P. 3596, L.C.Aw. 10613, Ap. 6 to A. Paki for the next six (6) courses, the direct azimuths and distances between points on said middle of ridge being:

- | | | |
|-----|---------|--------------|
| 12. | 63° 00' | 175.00 feet; |
|-----|---------|--------------|

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- | | | |
|-----|----------|---|
| 13. | 42° 00' | 720.00 feet to a point called "Makana"; |
| 14. | 69° 00' | 500.00 feet; |
| 15. | 36° 35' | 1500.00 feet to a point called "Maunahou"; |
| 16. | 348° 00' | 585.00 feet to a point called "Maunapuluo"; |
| 17. | 34° 22' | 364.50 feet; |

Thence along the middle of ridge along the Government Land of Hanakapiai for the next three (3) courses, the direct azimuths and distances between points on said middle of ridge being:

- | | | |
|-----|---------|---|
| 18. | 96° 15' | 790.00 feet; |
| 19. | 80° 45' | 1960.00 feet; |
| 20. | 98° 00' | 1080.00 feet to edge of vegetation at seashore; |

Thence along the edge of vegetation at seashore for the next four (4) courses, the direct azimuths and distances between points on said edge of vegetation at seashore being:

- | | | |
|-----|--------------|--|
| 21. | 231° 30' 45" | 4263.83 feet; |
| 22. | 288° 00' | 40.79 feet; |
| 23. | 182° 59' | 151.86 feet; |
| 24. | 212° 28' | 199.60 feet; |
| 25. | 351° 30' | 252.35 feet along the remainder of R.P. 3596, L.C.Aw. 10613, Ap. 6 to A. Paki; |
| 26. | 253° 00' | 116.60 feet along the remainder of R.P. 3596, L.C.Aw. 10613, Ap. 6 to A. Paki; |
| 27. | 176° 09' | 225.00 feet along the remainder of R.P. 3596, L.C.Aw. 10613, Ap. 6 to A. Paki; |
| 28. | 86° 09' | 134.00 feet along the remainder of R.P. 3596, L.C.Aw. 10613, Ap. 6 to A. Paki to the edge of vegetation; |

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Thence along the edge of vegetation at seashore for the next six (6) courses, the direct azimuths and distances between points on said edge of vegetation at seashore being:

- | | | |
|-----|---|--|
| 29. | 221° 33' | 92.11 feet; |
| 30. | 242° 50' | 74.50 feet; |
| 31. | 256° 10' | 101.50 feet; |
| 32. | 291° 52' | 192.00 feet; |
| 33. | 256° 57' | 151.96 feet; |
| 34. | 238° 11' | 71.97 feet; |
| 35. | 269° 54' 30" | 97.24 feet along the south side of Kuhio Highway; |
| 36. | 259° 02' | 5.08 feet along the south side of Kuhio Highway; |
| 37. | 359° 15' | 26.32 feet along a jog on the south side of Kuhio Highway; |
| 38. | 270° 33' | 70.57 feet along the south side of Kuhio Highway; |
| 39. | 259° 02' | 438.75 feet along the south side of Kuhio Highway; |
| 40. | Thence along the south side of Kuhio Highway on a curve to the right with a radius of 180.00 feet, the chord azimuth and distance being:
271° 40' 78.74 feet; | |
| 41. | 284° 18' | 125.79 feet along the south side of Kuhio Highway; |
| 42. | Thence along the south side of Kuhio Highway on a curve to the left with a radius of 220.00 feet, the chord azimuth and distance being:
264° 32' 148.80 feet
to a spike; | |
| 43. | 244° 46' | 266.88 feet along the south side of Kuhio Highway; |
| 44. | Thence along the south side of Kuhio Highway on a curve to the right with a radius of 180.00 feet, the chord azimuth and distance being:
263° 56' 118.19 feet; | |
| 45. | 283° 06' | 447.42 feet along the south side of Kuhio Highway; |

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- 46. Thence along the south side of Kuhio Highway on a curve to the left with a radius of 590.00 feet, the chord azimuth and distance being:
278° 25' 96.35 feet;
- 47. 273° 44' 296.82 feet along the south side of Kuhio Highway;
- 48. Thence along the south side of Kuhio Highway on a curve to the right with a radius of 160.00 feet, the chord azimuth and distance being:
287° 52' 78.14 feet;
- 49. 302° 00' 69.19 feet along the south side of Kuhio Highway;
- 50. Thence along the south side of Kuhio Highway on a curve to the left with a radius of 200.00 feet, the chord azimuth and distance being:
293° 31' 59.01 feet
to a "+" cut on rock;
- 51. 285° 02' 120.20 feet along the south side of Kuhio Highway to the point of beginning and containing an AREA OF 180.23 ACRES, MORE OR LESS

SUBJECT, however, to Pathway Easement "z" (3.00 feet wide) as shown on plan attached hereto and made a part hereof.

SURVEY DIVISION
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES
STATE OF HAWAII

By: Stanley T. Nakamura
Stanley T. Nakamura
Land Surveyor

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Compiled from data furn.
by map of Haena Hui Land
(R.M. Towill) CSFs' 16,210,
17,209, 17,219, 18,734 and
Govt. Survey Records.