

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

June 28, 2024

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

Kaua'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 (Hui) 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 traditional 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 six 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 three years ago. This Revocable Permit has provided an opportunity to gain experience, build

capacity, and serves 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 Kaua'i, 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 SP0002 pursuant to the terms above which, by this reference, are incorporated herein, on a month-to-month basis until State Parks receives approval from the Board of Land and Natural Resources for issuance and execution of a long term lease.

House Bill 1183 was enacted in 2023 and amends Chapter 102-2 Hawaii Revised Statutes with the following language which authorizes State Parks to enter into a long-term agreement with Hui Maka'āinana o Makana for the operations of ground transportation services and parking lot operations:

“(11) For operation of concessions at state parks that are designated by the board of land and natural resources as environmentally, culturally, historically, or operationally unique and are supported by nonprofit corporations incorporated in accordance with state law solely for purposes of supporting state aims and goals of the designated state park, and operating under agreement with the appropriate agency solely for those purposes, aims, and goals;”

Hā'ena State Park has all of the criterial referenced in the legislation to enable State Parks to enter into a long-term disposition with Hui Maka'āinana o Makana for this purpose.

State Parks planned to return to the Board prior to the expiration of the current RP on July 10, 2024, to request a termination of the revocable permit, and to request the issuance and execution of a long-term lease and/or concession agreement. This did not come to fruition due to capacity issues, but DSP's property management section has recently filled two staff positions, and the Hui's long-term

lease remains a high priority. The anticipated addition of a legal fellow will also assist in the crafting of what will be a precedent-setting management paradigm. DSP and Hui initiatives continue to be pursued with the expectation that an extended agreement is inevitable.

Staff's recommendation is to continue the revocable permit pending the request and execution of a long-term lease/concession.

RECOMMENDATION:

1. Authorize the continuance of Revocable Permit SP0002 pursuant to the terms above which, by this reference, are incorporated herein, on a month-to-month basis from July 11, 2024 to July 10, 2025, or until State Parks receives approval from the Board of Land and Natural Resources for issuance and execution of a long-term lease.
2. Approve such other terms and conditions as may be prescribed by the Chairperson to best serve the interest of the State of Hawai'i.

Respectfully submitted,



*FAH* CURT A. COTTRELL  
Administrator  
Division of State Parks

APPROVED FOR SUBMITTAL:



DAWN N. S. CHANG  
Chairperson  
Board of Land and Natural Resources

Attachments: Exhibit A – Location map



Source: Based on 2001 Community Preferred Master Plan Prepared by The Keith Companies  
 Disclaimer: This Graphic has been prepared for general planning purposes only and should not be used for boundary interpretations or other spatial analysis

