

STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
Land Division  
Honolulu, Hawaii 96813

October 25, 2013

Board of Land and Natural Resources  
State of Hawaii  
Honolulu, Hawaii

PSF: 13MD-132

Maui

Approval in Concept to Amend General Lease No. S-5177 to Maui County Council Ltd., Boy Scouts of America, Lessee, and Issuance of a Perpetual Non-Exclusive Easement for Parking, Access and Utility Purposes Kahakuloa, Wailuku, Maui, Tax Map Key (2) 3-1-001: 001 por.

APPLICANT:

Maui County Council of the Boy Scouts of America, Limited (BSA), a Hawaii Domestic Nonprofit Corporation.

LEGAL REFERENCE:

Section 171-13, Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government lands of Kahakuloa situated at Wailuku, Maui, identified by Tax Map Key: (2) 3-1-001: 001 por., as shown on the attached map labeled Exhibit A.

AREA:

1.5 acres (more or less) out of a total 194.5 acres under General Lease S-5177

Parking Lot(s) = 1 acre (more or less)  
Tank Site and Water Transmission Lines = 0.5 acre (more or less)

ZONING:

State Land Use District:      Agriculture  
County of Maui, CZO:        Agriculture

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:

1. Encumbered by General Lease No. S-5177 to Maui County Council Ltd., Boy Scouts of America, Lessee; for campsite, trail, youth athletic and/or educational activities and cultural purposes.

Note: the registered business name for the BSA is the Maui County Council of the Boy Scouts of America, Limited. GL S-5177 identifies the BSA as Maui County Council Ltd., Boy Scouts of America. A name change to reflect the correct business name will be implemented as needed.

2. Encumbered by non-exclusive Easements A, B and C under Land Patent Grant S-14,073 (sold pursuant to Special Sales Agreement S-4091); further identified by CSF No. 12,612 in favor of the Maui County Council of the Boy Scouts of America, Ltd.

CHARACTER OF USE FOR GL S-5177:

Campsite, trail, youth athletic and/or educational activities and cultural purposes.

CHARACTER OF USE FOR EASEMENT AREA:

Right, privilege and authority to construct, use, maintain and repair a right-of-way over, under and across State-owned land for parking, access and utility purposes.

TERM OF GL S-5177:

55 years, commencing on 12/1/1990 and expiring on 11/30/2045.

PROPOSED EASEMENT TERM:

Perpetual, but subject to Special Sales Agreement S-4091.

ANNUAL RENTAL FOR GL S-5177:

\$144.00 (upon final approval of BSA's request, staff will recommend an increase in rent to at least \$480.00 per year pursuant to the Board's current policy of nominal rents to eleemosynary organizations).

CONSIDERATION FOR PROPOSED PERPETUAL EASEMENT:

One-time payment to be determined by independent or staff appraisal establishing fair market rent, subject to review and approval by the Chairperson.

DCCA VERIFICATION:

Place of business registration confirmed:	YES <u>x</u>	NO <u>__</u>
Registered business name confirmed:	YES <u>x</u>	NO <u>__</u>
Good standing confirmed:	YES <u>x</u>	NO <u>__</u>

APPLICANT REQUIREMENTS:

- a. Comply with provisions of HRS Chapter 343 related to Environmental Assessments.
- b. Comply with rules and regulations that govern uses within the State Agriculture Land Use District.

EXHIBITS:

- Exhibit A - Tax Map of the subject area.
- Exhibit B - CSF No. 12,612 illustrating Non-Exclusive Easements A, B and C
- Exhibit C - Color Rendering of the proposed new dining facility.
- Exhibit D - Location Map for proposed parking areas

REMARKS:

On April 29, 1963 the State of Hawaii transferred 17.94 acres (more or less), along with non-exclusive access Easements A, B and C (Exhibit B) to the Maui County Council of the Boy Scouts of America, Ltd., (BSA), for campsite and allied purposes only, via Special Sales Agreement S-4091 and Land Patent Grant No. S-14,073 situate at Kahakuloa, Wailuku, Maui, otherwise known as Camp Maluhia.

On October 27, 1989, under agenda Item F-10, the Board approved the issuance of a direct lease, General Lease (GL) No. S-5177, to the BSA for 194.5 acres (more or less), further identified as Tax Map Key No. (2) 3-1-001:001, for development of campsite, trail, youth, athletic and/or educational activities, and cultural purposes.

On January 16, 1998, under agenda Item D-11, the Board consented to the construction of a 400 ft. x 200 ft. play field and an accessory parking area by the BSA within GL S-5177. Together, the play field and parking area encompass a total area of 3.70 acres of the original 194.5 acres.

In June of 2013, the BSA submitted to the County of Maui permit applications requesting approval for the construction of a new dining hall and related improvements at Camp Maluhia (Exhibit C). The proposed dining hall will replace an existing aging dining hall which was built in 1938 on BSA property at TMK: (2) 3-1-001:028.

In order to meet County of Maui requirements for parking and water system upgrades, and given the location of existing improvements on parcel 028, its steep topography and limited space, the BSA is now seeking from the State permission to allow for off-site parking and required water system upgrades to be located on the premises of the adjacent State lands under GL S-5177 (TMK (2) 3-1-001:001) (Exhibit D). The proposed improvements will occupy 1.5 acres (more or less) of the total lease premises of 194.5 acres.

Improvements include upgrades to the fire protection and existing domestic water systems via new water storage tanks and water transmission lines that will serve Camp Maluhia as well as formal approval of two (2) existing gravel parking lots.

Staff supports the use of public lands as requested and does not object to the use of gravel as the medium to maintain the parking areas in order to reduce surface run-off.

Once plans and designs for the proposed upgrades are finalized, an environmental assessment will be completed. The proposed improvements require amendments to GL S-5177 and issuance of a non-exclusive perpetual access and utility easement for the proposed water system upgrades and off-site parking area.

This approval in concept is being requested in order to establish a basic understanding between the State and the BSA in regards to proposed uses of public lands and to authorize the department to allow the applicant to commence with necessary permitting requirements, pursuant to issuance of standard indemnifications from the BSA to the department as needed. The BSA acknowledges that this action is only an approval in concept and that proposals for use of public lands are subject to an Environmental Assessment (EA) process and that findings from the EA may result in changes to current plans. Accordingly, the BSA will not undertake any site work or ground disturbance as part of its project until the EA process is complete, a finding of no significant impact has issued, and the Board has specifically authorized lease amendment and easement at a subsequent meeting.

Staff shall return to the Board at a later date to report on the results of the Applicant's EA as well as related Maui County permitting requirements and to recommend amendments to GL S-5177 and issuance of perpetual non-exclusive easements as appropriate.

The BSA 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.

RECOMMENDATION: That the Board:

1. Approve in concept the proposed amendments to General Lease No. S-5177 in order to accommodate off-site parking and water system upgrades for campsite, trail, youth athletic and/or educational activities and cultural purposes with the understanding that approval in concept shall not be deemed to be an approval of the amended lease or issuance of a perpetual non-exclusive easement at this time.

Respectfully Submitted,

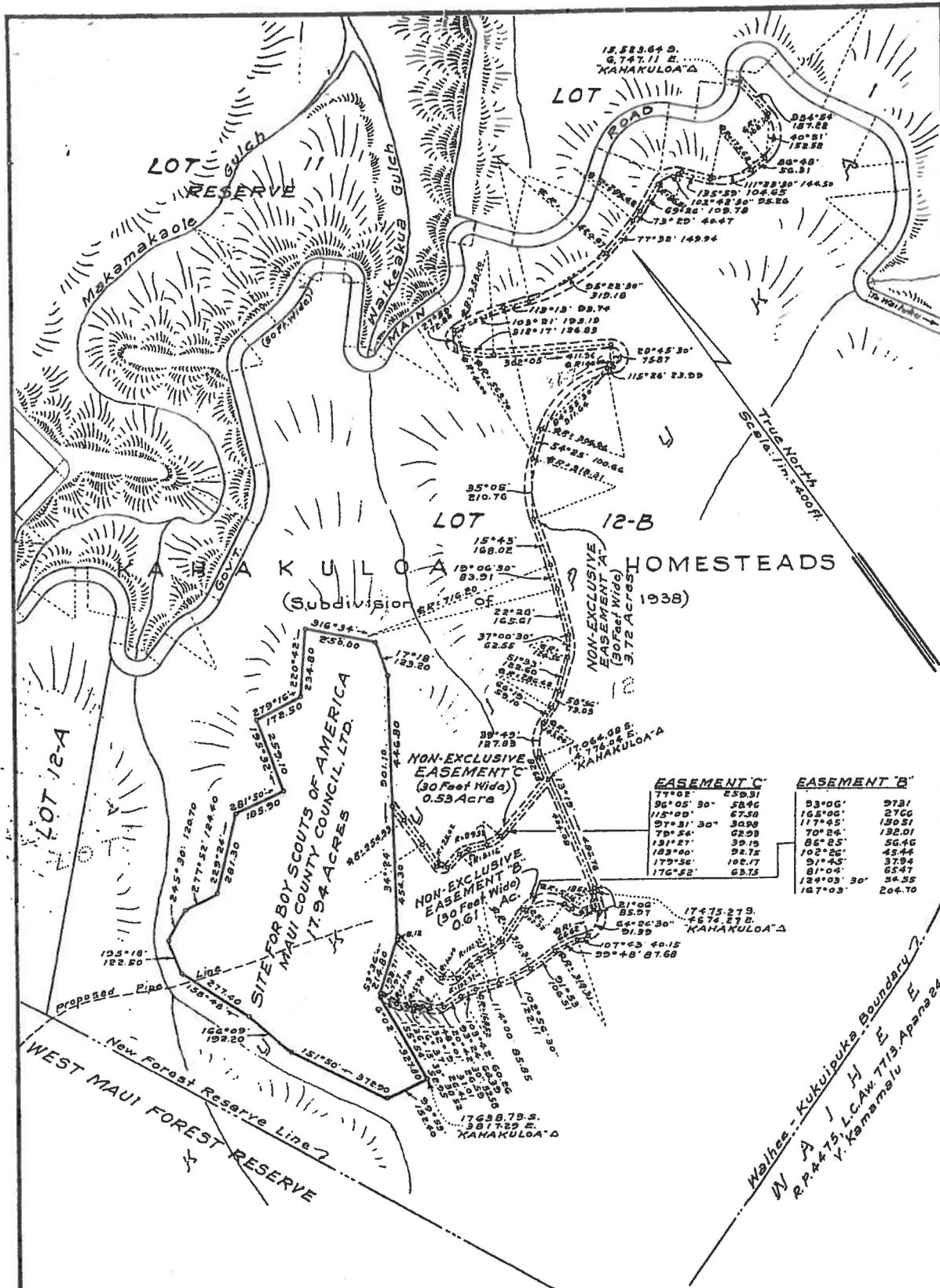
  
\_\_\_\_\_  
Daniel Ornellas  
District Land Agent

APPROVED FOR SUBMITTAL:

  
\_\_\_\_\_  
William J. Aila, Jr., Chairperson







SITE FOR BOY SCOUTS OF AMERICA  
 MAUI COUNTY COUNCIL, LTD.  
 AND NON-EXCLUSIVE EASEMENTS A, B AND C  
 Kahakuloa, Wailuku (Kaanapali), Maui, T.H.  
 Scale: 1 in. = 400 ft.

Exhibit B

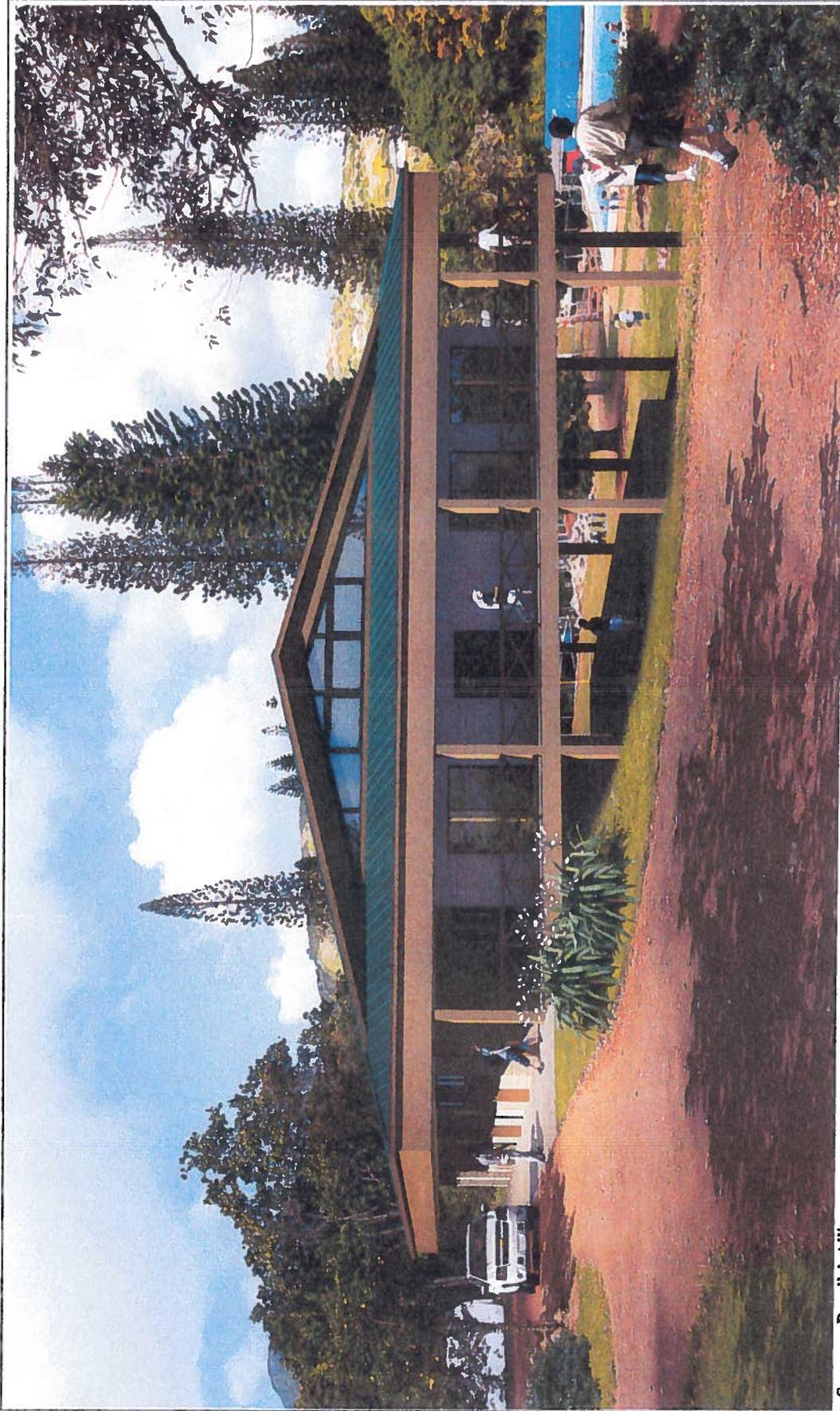
Job 1770  
 Tege's Calc. Bk. 2

NOTE: All corners marked with  $\frac{3}{8}$ " pipe.

Tax Map: 3-1-01  
 C. S. F. No. 12612

SURVEY DEPARTMENT  
 TERRITORY OF HAWAII

A.T. January 21, 1957



Source: Parallel Alliance

## Camp Maluhia Colored Rendering 2

NOT TO SCALE

Prepared for: Maui County Council Boy Scouts of America

MUMEKIYO & HIRAGA, INC.

RSK/CampMaluhiaImp/CUP OffSiteParking/rendering2

Exhibit C

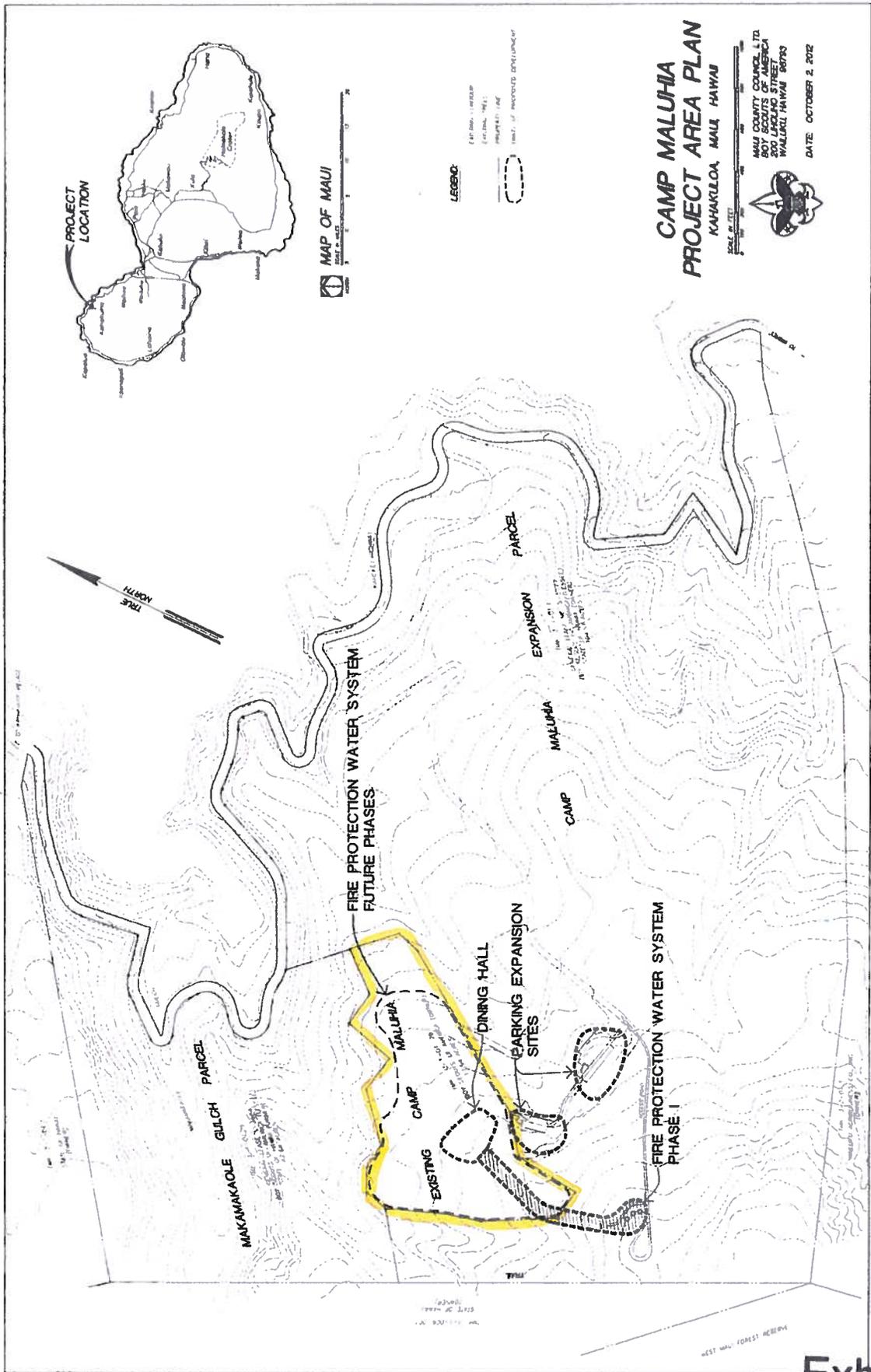


Exhibit D