

State of Hawai'i
Department of Land and Natural Resources
Division of State Parks
Honolulu, Hawai'i

November 14, 2014

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

Statewide

Approval to Continue Twenty-three (23) Revocable Permits for Use of State Parks Lands on the Islands of Kaua'i, O'ahu, Maui, and Hawai'i for the following: Kaua'i: NaPali Kayak Inc., NaPali Outfitters, Inc. dba Kayak Kaua'i, Rick Haviland, dba Outfitters Kauai, Ltd., (Na Pali Coast State Wilderness Park for commercial kayak landings), Clancy Greff and A Na Pali Eco Adventures, Inc., Na Pali Sea Tours, Inc., Lady Ann Cruises Inc., (Na Pali State Wilderness Park inflatable boat landings), The Lodge at Koke'e, LLC (Koke'e State Park lodging accommodations/retail and restaurant use), Ka'Imi Na'auao o Hawai'i Nei, Hawai'i United Methodist Union, Kaua'i Christian Fellowship, Camp Hale Koa Association, (Waimea Canyon State Park non-profit recreation-residences/camps), Hawai'i Conference Foundation, United Church of Christ (Koke'e State Park non-profit camp), Sukhothai Corp. (Waimea Canyon State Park mobile food vendor); O'ahu: Curtis K. Hong (Diamond Head State Monument food and beverage vending), Erlinda Molina Villanueva (Ahupua'a O Kahana State Park, agricultural use), Young Men's Christian Association of Honolulu (Ka'ena Point State Park, Outdoor Recreational Activities), Sand Island Off-Highway Vehicle (OHV) Association, Inc., (Sand Island State Recreation Area, Off-Road Vehicle Use), Maui: Maui Soda and Ice Works, Ltd. (Wai'anapanapa State Park, Beverage vending), Island Inspirations, LLP (Makena State Park food service Vending), Hawai'i: Republic Parking Northwest, Inc. (Hāpuna Beach SRA, Parking Concession), Adventures in Paradise, Inc., Kona Boys, Inc., Iwa Kalua (Kealahou Bay State Historical Park, Commercial Kayak Tours).

Legal Reference: Sections 171-13 and -55, HRS, as amended.

Background:

Toward the end of each year, the Division of State Parks (State Parks) requests the Board's approval to continue certain existing month-to-month revocable permits (RPs) throughout the state. Pursuant to §171-55, Hawai'i Revised Statutes, the Board may allow revocable permits to continue on a month-to-month basis for additional one-year periods.

ITEM E-1

Unless continued by the Board, existing permits expire no later than twelve months after the commencement date listed in the RP or earlier as the Board prescribes. In seeking the Board's approval to continue the RP's, State Parks verifies the permit holders' status with the Department of Commerce and Consumer Affairs and check for compliance with the terms of the RPs.

State Parks requests the continuation of RPs previously approved by the Board at various meetings held as far back as 1988. The purpose of seeking the Board's approval in November/December of each year is to synchronize the terms of all revocable permits to a calendar year period. Some of these RP's are intended to be transitional in that they will eventually be replaced by concession agreements or long-term, general leases and are not sought for continuation. All RP's under consideration in this submittal are listed in Exhibit 1, attached hereto.

On July 27, 2012, under agenda item E-2, the Board approved the sale and independent award of eight concession or mobile concession agreements by means of sealed bid auction. Due to staffing limitations, seven of these solicitations are still in progress. All but one of the planned auction concessions would replace RP's held by current or former permittee's¹. The current RP holders include The Lodge at Kōke'e, Sukhothai Corp. (Waimea Canyon SP), Wailua Marina Restaurant Inc. (Wailua River State Park), Curtis Hong (Diamond Head State Monument), Pepsi Bottling Group (Diamond Head State Monument), and Island Inspirations (Makena State Park). One of the planned concession leases for the Hapuna Beach SRA restaurant concession building was leased this past June to Gladys I. Tano for a three year period under a competitive bidding process.

If approved, the RP's subject to future concession bids would remain in place until such time as the contracts are awarded pursuant to the bidding process planned for completion in 2015.

Below is a summary of the status of the existing permits by district.

Kaua'i

There are six inflatable boat and kayak landing permits for commercial guided tours and landings at Nu'alolo Kai, Miloli'i in the Nāpali Coast State Wilderness Park. There are no changes proposed for the existing RP's.

In Kōke'e and Waimea Canyon State Parks, there are five permits for nonprofit use of recreation-residence and camp facilities. The Board previously approved the issuance of long term leases for five non profit organizations. One of those organizations has relinquished its use of the property and the Board authorized the issuance of a new RP to the Camp Hale Koa Association in 2010 in its place. As staff time is available, State Parks will complete the long term leases for the four remaining non-profit organizations. In the meantime, State Parks requests approval to continue RP's for those in possession of the properties now. Finally, there is one mobile food vendor at the Waimea Canyon Lookout.

O'ahu

On the Windward side of 'Oahu, an agricultural RP at Ahupua'a 'O Kahana State Park is issued to Erlinda Villanueva for Ti leaf farming purposes.

¹ The remaining concession is a new offering approved by the Board for a mobile concession at Opeaka'a Falls lookout at the Wailua River State Park (Wailua, Kaua'i)

At Ka'ena State Park, the YMCA operates an archery range and other outdoor recreational activities under its RP which covers land adjacent to Camp Erdman.

At Diamond Head State Monument, Curtis Hong operates a mobile food concession located at the base of the trail.

Maui

In Wai'anapanapa State Park, Maui Soda and Ice Works operates beverage vending machines. In Makena State Park, Island Inspirations, LLC operates as mobile food vendor.

Hawai'i

At Hapuna Beach State Recreation Area, Republic Parking Northwest, Inc. operates a parking concession as a pilot project. The permit provides critically needed revenue for State Parks. In 2015, State Parks plans a competitive bid process for a long term parking concession agreement.

At Kealahou Bay State Historical Park, three permittee's operate commercial kayak tours launching from Nāpo'opo'o Landing to Awili Landing at Ka'awaloa.

Discussion

With respect to RP's issued at nominal or gratis rent, State Parks requests the Board delegate to the Chairperson the authority to modify revocable permits issued at gratis or nominal rent to a minimum of \$40.00 per month. The purpose of this request is to standardize fees with other Divisions².

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² The RP's affected are noted in the Current Rent column in Exhibit 1.

Recommendations: That the Board:

1. Authorize the continuation of the revocable permits listed in Exhibit 1 pursuant to the terms above which, by this reference, are incorporated herein, on a month-to-month basis for a one-year period ending December 31, 2015, except for SRP0070 to be renewed for six (6) months and permits that are in arrears of rental payment for more than 60 days; and,
2. Approve such other terms and conditions as may be prescribed by the Chairperson to best serve the interest of the State.

Respectfully submitted,



DANIEL S. QUINN
State Parks Administrator

APPROVED FOR SUBMITTAL:



WILLIAM J. AHA, JR.
Chairperson

DIVISION OF STATE PARKS REVOCABLE PERMITS
Revocable Permits Approved by the Land Board and Subject to Renewal

RP #	Name of Permittees	Park	TMK	Character of Use	Permit Area (acres)	Current Rent (base or percentage) and (Proposed)
SP0044	NaPali Kayak, Inc	Nāpali (Miloli'i), Kaua'i	(4) 1-4-001:07	Commercial Kayak Landings	N/A	\$5 per person, 5% of gross, which ever higher
SP0045	NaPali Outfitters Inc., dba Kayak Kauai	Nāpali (Miloli'i), Kaua'i	(4) 1-4-001:07	Commercial Kayak Landings	N/A	\$5 per person, 5% of gross, which ever higher
SP0046	Rick Haviland, dba Outfitters Kauai	Nāpali (Miloli'i), Kaua'i	(4) 1-4-001:07	Commercial Kayak Landings	N/A	\$5 per person, 5% of gross, which ever higher
SP0004	Clancy Greff dba Na Pali Zodiac and A Na Pali Eco Adventures, Inc.	Nāpali Coast SWP (Nu'alolo Kai), Kaua'i	(4) 1-4-001:07	Inflatable Boat Landings	N/A	\$5 per person, 5% of gross, which ever higher
SP0005	Na Pali Sea Tours, Inc.	Nāpali Coast SWP (Nu'alolo Kai), Kaua'i	(4) 1-4-001:07	Inflatable Boat Landings	N/A	\$5 per person, 5% of gross, which ever higher
SP8701	Lady Ann Cruises, Inc.	Nāpali Coast SWP (Nu'alolo Kai), Kaua'i	(4) 1-4-001:07	Inflatable Boat Landings	N/A	\$5 per person, 5% of gross, which ever higher
SP0039	The Lodge at Kōke'e LLC	Kōke'e SP, Kaua'i	(4) 1-04-01: Por. of 13, Lots A, C, D, E, & F	Lodging/Retail/Restaurant/Resident Mgr. Residence	2.8 ac	4% of gross profits
SP0189	Ka'Imi Naaauo o Hawaii Nei	Waimea Canyon SP, Kaua'i	(4) 1-4-002:20	Nonprofit Camp	1.0 ac.	\$40.00 monthly
SP0191	Hawai'i Conference Foundation, United Church of Christ	Kōke'e SP, Kaua'i	(4) 1-4-004:027 a, b	Nonprofit Camp	.50 ac.	\$40.00 monthly
SP0192	Hawaii United Methodist Union	Waimea Canyon SP, Kaua'i	(4) 1-4-002:024	Nonprofit Camp	3.05 ac	\$41.00 monthly
SP0193	Kauai Christian Fellowship	Waimea Canyon SP, Kaua'i	(4) 1-4-002:041	Nonprofit Camp	.99 ac	\$40.00 monthly
SP0402	Camp Hale Koa Association	Waimea Canyon SP, Kauai	(4) 1-4-002:0055	Nonprofit Camp	4.06 ac	\$40.00 monthly
SP0052	Sukhothai Corp	Waimea Canyon Lookout	(4) 1-4-001:por.	Mobile Concession	N/A	\$2,500 per month

EXHIBIT 1

DIVISION OF STATE PARKS REVOCABLE PERMITS (CONTINUED)

RP #	Name of Permittees	Park	TMK	Character of Use	Permit Area (acres)	Current Rent (base or percentage)
SP0047	Curtis K. Hong dba Paradise Shrimp & Burger	Diamond Head SM	(1) 3-1-042:006	Food and Beverage Concession	N/A	\$7,200 per month
SP0509	YMCA	Ka'ena Point State Park Reserve	(1) 6-9-004:005	Outdoor recreational activities	6.2 acres	\$150 per month
SP0058	Erlinda Molina Villanueva	Kahana SP	(1) 5-2-02: por. 1	Agriculture	6.0 acres	\$90 per month
SP-0022	Maui Soda & Ice Works, Ltd.	Wai'anapanapa	(2) 1-3-005:009	Concession		\$100 per month or 35% of gross monthly receipts, whichever is greater
SP-0050	Island Inspirations LLP	Makana SP	(2) 2-1-006:053	Food and Beverage Concession		\$800 per month
SRP0070	Sand Island Off-Highway Vehicle (OHV) Association, Inc.	Sand Island State Recreation Area	(1) 1-5-041:006 (por.)	Off road vehicle use	30 acres	Gratis (propose nominal rent of \$40.00 per month)
SP0517	Adventures in Paradise, Inc.	Kealahou Bay State Historical Park	(3) 8-1-011:006,010,011 and (3) 8-2-004:015 and seaward	Commercial Kayak Tours	320 acres	\$5.00 per guest

DIVISION OF STATE PARKS REVOCABLE PERMITS (CONTINUED)

RP #	Name of Permittee's	Park	TMK	Character of Use	Permit Area (acres)	Current Rent (base or percentage)
SP0408	Republic Parking Northwest, Inc.	Hāpuna Beach SRA	(3) 6-6-002:031, 035 por.	Parking lot concession	35 acres approx.	Minimum fee \$16,100/mo. v. 55% of gross receipts, whichever is greater.
SP0518	Kona Boys, Inc.	Kealakekua Bay State Historical Park	(3) 8-1-011:006,010,011 and (3) 8-2-004:015 and seaward	Commercial Kayak Tours	320 acres	\$5.00 per guest
SP0519	Iwa Kalua, dba Aloha Kayak Co.	Kealakekua Bay State Historical Park	(3) 8-1-011:006,010,011 and (3) 8-2-004:015 and seaward	Commercial Kayak Tours	320 acres	\$5.00 per guest