

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

June 22, 2012

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

O'ahu

Consent to Construct a Rain Shelter, General Lease S-97-01 (SP0006), Hawai'i Nature Center, Inc., TMK: (1) 2-5-019-008 (por.), Makiki Valley State Park, Makiki, Honolulu, O'ahu

APPLICANT AND REQUEST:

Lessee, Hawai'i Nature Center, Inc., (HNC), for consent to construct a rain shelter as identified on the attached map labeled Exhibit A.

LEGAL REFERENCE:

Sections 171-43.1, and other applicable sections of Chapter 171, Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government lands at the Makiki Valley State Park, TMK: (1) 2-5-019-008 (por.), identified as indicated on the attached survey description and map labeled Exhibit A

AREA:

5.75 acres, more or less, subject to confirmation by the Department of Accounting and General Services, Survey Division.

ZONING:

State Land Use District: Conservation  
City and County of Honolulu: Preservation

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act YES  NO   
DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: YES  NO

ITEM E-1

CURRENT USE STATUS:

Leased to Hawai'i Nature Center, Inc. under General Lease S-97-01, terminating August 31, 2022, and encumbered by Governor's Executive Order 3729 Setting Aside Land for Public Purposes to the Division of State Parks.

CHARACTER OF USE:

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

LEASE TERM:

The existing lease term is for a period of thirty-five (25) years which commenced on September 1, 1997 and will terminate on August 31, 2022.

MINIMUM ANNUAL RENT:

\$132.00 per annum.

PROPOSED IMPROVEMENTS:

Lessee requests approval to construct a rain shelter with a footprint of approximately 1,598 square feet at its own cost and expense. Said improvements shall be in accordance with plans submitted to the Chairperson for final approval prior to their construction and shall be built in accordance with the terms of the lease.

IMPROVEMENT BOND:

An amount equal to the cost of improvements.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

The Division of State Parks (State Parks) believes this project will have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment under Chapter 343, Hawaii Revised Statutes (HRS) and §11-200-8(a)(3), Hawaii Administrative Rules (HAR) and within exemption Class 3, Number 3 of the State Parks Exemption List which exempts construction and location of single, new, small facilities or structures as described in the exemption list. [February 5, 1976].

REMARKS:

The HNC is a IRS 501(c)(3) non-profit organization focused on environmental education emphasizing awareness, appreciation and understanding of environmental matters. HNC currently serves in excess of 15,000 school children per year and has delivered educational opportunities to more than 850,000 participants since its inception using a 'hands on', immersive approach. HNC operates facilities on O'ahu and Maui including a facility located in the Makiki Valley State Park pursuant to a lease approved by the Board.

In its meeting on December 15, 1995, Agenda Item E-2, the Board approved the issuance of a twenty five (25) year lease to the HNC located in the Makiki Valley State Park. On March 28, 2003, the Board approved an amendment to the lease which included, among other things, adding approximately 5.75 acres of land area and approving the construction of a facility at a cost of not less than \$1,750,000. That building was constructed and is operating today, serving the functions outlined in the lease and as described above.

State Parks received a request from the HNC for approval of plans to construct a rain shelter to be built on State land across the park road from the existing HNC facility. The land area proposed is part of the 5.75 acres included in the lease. The stated purpose of the rain shelter is to augment existing programs and to protect hikers from inclement weather. The summary budget provided to State Parks contemplates \$150,000 for design and construction. No electrical or water/sewer connections are part of the plans. Plans and a rendering of the shelter are attached as Exhibit B.

#### DISCUSSION:

State Parks recognizes the important role HNC plays with not only protecting the resources in the Makiki Valley State Park, but the educational impact its efforts have in strengthening the next generation's appreciation and stewardship has on the land. That use and impact are both consistent with the terms of the lease and serve the best interests of the State.

The 1994 Final Environmental Impact Statement for the Makiki-Tantalus State Park Master Plan (FEIS) identified the construction of two rain shelters; one located Makai of the proposed rain shelter along Makiki Heights Drive near the hair-pin turn, and the second in the area immediately Mauka of the proposed site. The land Mauka of the proposed rain shelter presently includes the O'ahu District Forester's cottage which the FEIS contemplated would be removed. Instead, this structure was preserved and is included with the HNC lease. The structure is currently used by both the Division of Forestry and Wildlife and HNC as office space. State Parks believes the actions being proposed for the construction of this rain shelter are substantively similar and relevant to previously considered actions in the FEIS accepted by Governor John Waihe'e on November 28, 1994, and as such, and on that basis alone, no further action is required pursuant to Chapter 343, Hawai'i Revised Statutes. State Parks also believes that in addition to being consistent with the FEIS, the construction of this rain shelter is also exempt from the preparation of an environmental assessment for the reasons cited in the Chapter 343 discussion above.

With respect to the design of the rain shelter, we note that although the architectural style differs from the style(s) of the existing structures in the park, the rain shelter design is based a modern interpretation of a Hawaiian A-frame structure, similar to a hale and adapted for HNC's specific needs. While State Parks does not object to the style itself, protecting the historic walls surrounding the structure is a concern and staff notes the set backs from those walls appear adequate.

Section 9 of the lease states:

The Lessee shall not at any time during the term construct, place, maintain and install on the premises any building, structure or improvement of any kind and description except with the prior written approval of the Board and upon those conditions the Board may impose, including any adjustment of

rent, unless otherwise provided in this lease. The Lessee shall own these improvements until the expiration or termination pursuant to a breach of the lease, at which time the ownership shall at the option of the Lessor, remain and become the property of the Lessor or shall be removed by Lessee at its sole cost and expense [sic].

Upon termination and/or expiration of the lease and if desired by the Lessor, the Lessee at its expense, shall remove any and all improvements installed or constructed upon the premises and restore said premises to a condition satisfactory to the Lessor.

Based on the request and that HNC is in compliance with the terms and conditions of the lease, staff has no objection to the construction of the rain shelter as proposed.

This submittal was distributed to:

<b>Agency</b>
DLNR – State Historic Preservation Division
DLNR - Land Division
DLNR – Division of Forestry and Wildlife
DLNR – OCCL
OHA - Office of Hawaiian Affairs

**RECOMMENDATION:** That the Board:

1. Give its consent to the construction of a rain shelter substantially in the form of the attached plans and specifications, and under the terms cited above, which are by this reference incorporated herein and further subject to the following:
  - a. Lessee shall complete all improvements described herein with a period of two years from the date of the Board's approval;
  - b. Lessee shall provide a construction bond in the amount of the value of the improvements;
  - c. Lessee shall obtain all necessary permits and/or other governmental approvals for said improvements and shall submit final plans to the Division of State Parks for approval prior to the work being commenced;
  - d. The Board delegate to the Chairperson, the final approval for such architectural and engineering plans, and other approvals necessary for the completion of the rain shelter;
  - e. Such other conditions as may be prescribed by the Chairperson which are in the best interests of the State.

2. Declare that after considering the potential effects of the proposed project as provided by Chapter 343, HRS, and Chapter 11-200, HAR, this project will have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment.


Respectfully Submitted,



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Daniel S. Quinn  
State Parks Administrator

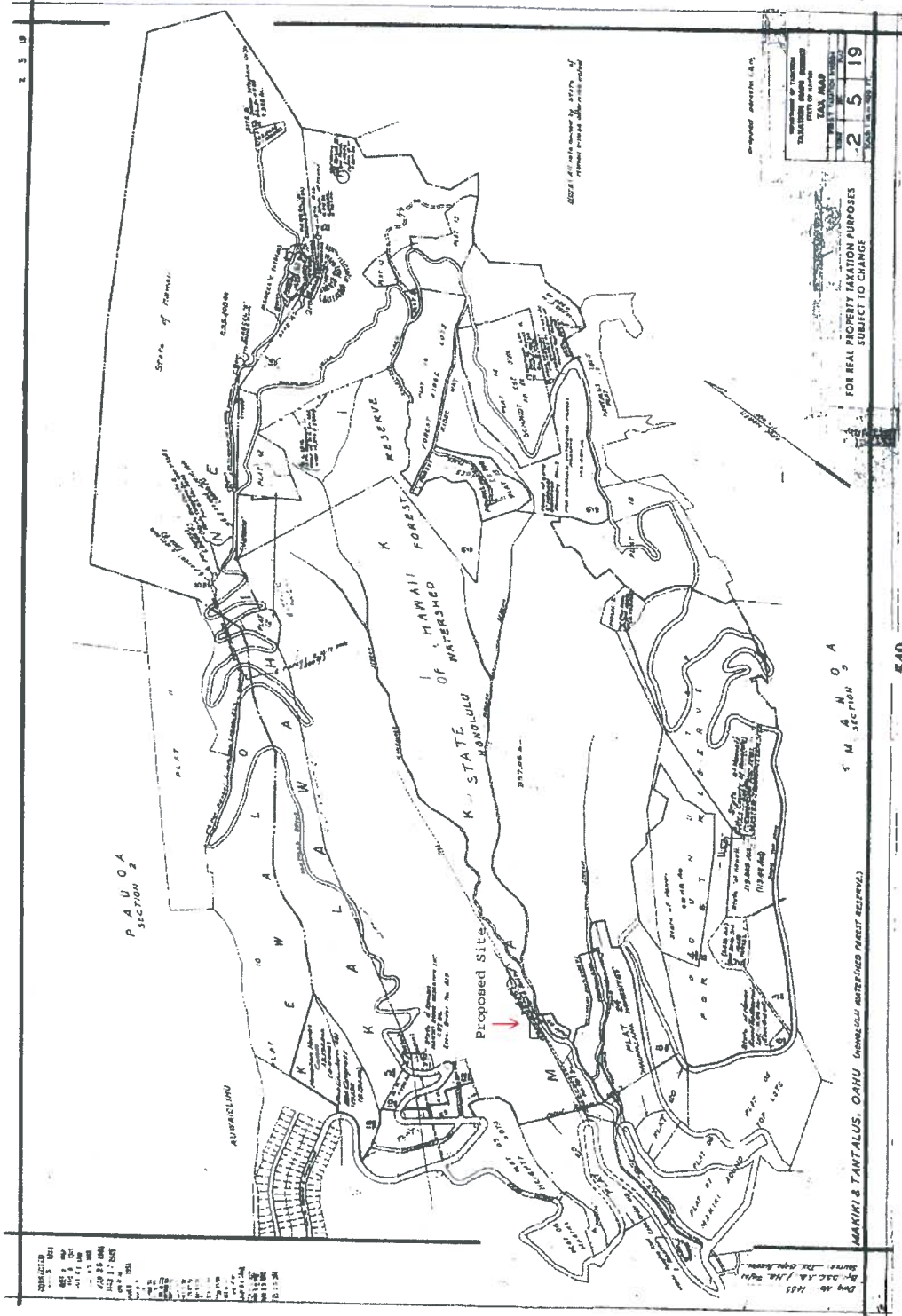
APPROVED FOR SUBMITTAL:

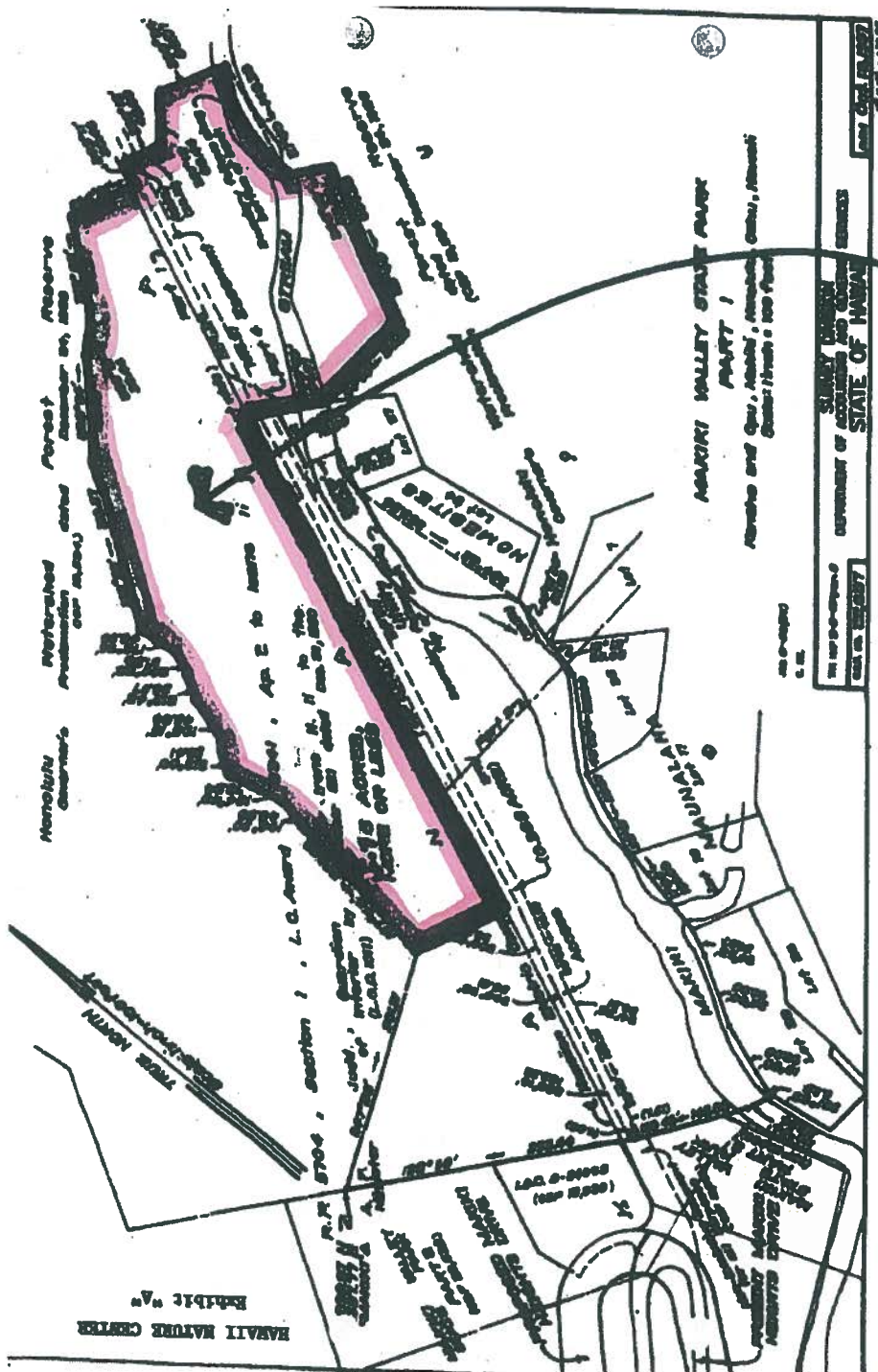
  

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for William J. Aila, Jr., Chairperson

Exhibit A - Land Description and Map





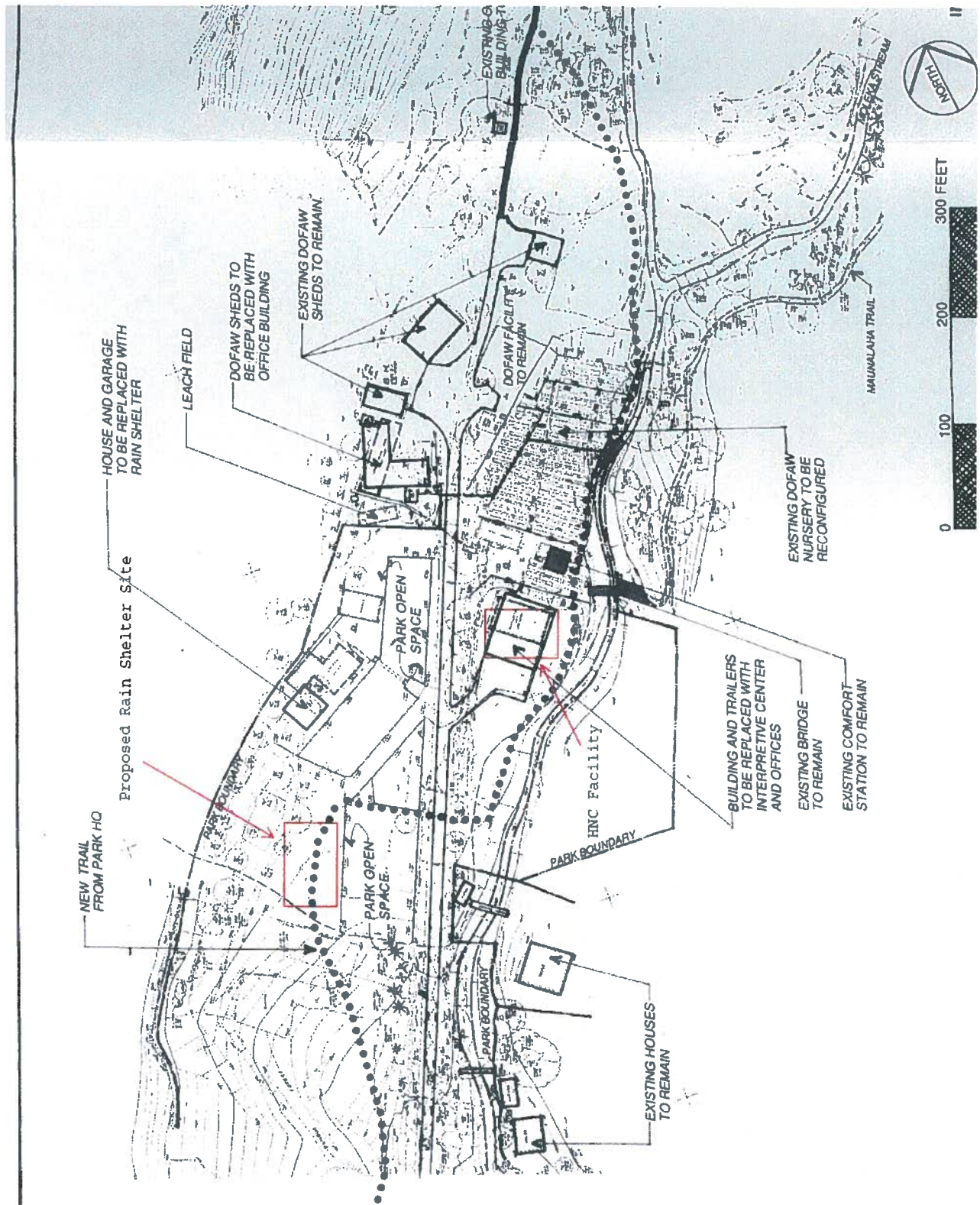





Exhibit B - Architectural Plans






**COVER SHEET**  
 SITE PLAN  
 MATRIS &  
 SYMBOLS  
 ABREVIATION  
 & GEN NOTES  
 TO DRAW

## HAWAII NATURE CENTER RAIN PAVILION

**G-000**



**PROJECT INFORMATION**

**PROJECT OWNER:**  
 HAWAII NATURE CENTER  
 1001 KANANI'OLE DRIVE, SUITE 100  
 HONOLULU, HAWAII 96813

**ARCHITECT:**  
 HOKU ARCHITECTS  
 1001 KANANI'OLE DRIVE, SUITE 100  
 HONOLULU, HAWAII 96813

**ENGINEER:**  
 HOKU ARCHITECTS  
 1001 KANANI'OLE DRIVE, SUITE 100  
 HONOLULU, HAWAII 96813

**GENERAL CONTRACTOR:**  
 HOKU ARCHITECTS  
 1001 KANANI'OLE DRIVE, SUITE 100  
 HONOLULU, HAWAII 96813


**PROJECT TEAM**

**ARCHITECTURE:**  
 HOKU ARCHITECTS, LTD.  
 1001 KANANI'OLE DRIVE, SUITE 100  
 HONOLULU, HAWAII 96813

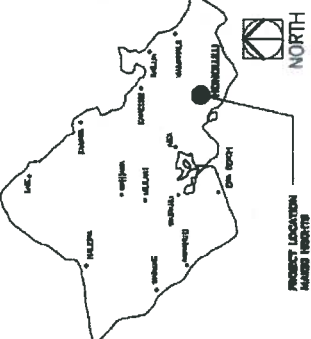
**STRUCTURAL ENGINEERING:**  
 HOKU ARCHITECTS, LTD.  
 1001 KANANI'OLE DRIVE, SUITE 100  
 HONOLULU, HAWAII 96813

**GENERAL CONTRACTOR:**  
 HOKU ARCHITECTS  
 1001 KANANI'OLE DRIVE, SUITE 100  
 HONOLULU, HAWAII 96813

**VICINITY MAP**



**PROJECT LOCATION**



**PROJECT LOCATION**  
 HAWAII TERRITORY

DATE: 06/22/12



