

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Division of Forestry and Wildlife
Honolulu, Hawaii 96813

January 26, 2018

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

Land Board Members:

SUBJECT: REQUEST FOR ISSUANCE OF AN ADMINISTRATIVE FINE OF \$2,500 PURSUANT TO CHAPTER 183, HAWAII REVISED STATUTES, TO GREEN TRAVEL & TOUR, INC. FOR VIOLATIONS OF SECTION 13-104-24, HAWAII ADMINISTRATIVE RULES, AT MAUNA KEA FOREST RESERVE, HAMAKUA, HAWAII, TMK (3) 4-4-015:001

INTRODUCTION:

This is an enforcement action for violation of section 13-104-24, Hawaii Administrative Rules (HAR), for engaging in commercial activities in a forest reserve without a written permit. Evidence exists that Green Travel & Tour, Inc., a Hilo-based tour company, has been conducting commercial activity without a permit in the Mauna Kea Forest Reserve (FR), in violation of section 13-104-24, HAR. The Division requests issuance of an administrative fine for this rule violation.

BACKGROUND:

The area surrounding the Maunakea Visitor Information Station¹ is within the Mauna Kea FR. Recently this area has become a popular spot for sunset viewing and stargazing for a number of commercial tour operators. Section 13-104-24, HAR, requires that any person conducting a commercial activity of any kind within a forest reserve obtain a permit from the Board of Land and Natural Resources or its authorized representative. The Division of Conservation and Resources Enforcement (DOCARE) and the Rangers of the Office of Maunakea Management (OMKM) have documented Green Travel & Tour, Inc. conducting commercial tours within Mauna Kea FR without a permit on multiple occasions. Section 183-5, Hawaii Revised Statutes (HRS), provides that any person conducting an illegal activity within the Forest Reserve System may be subject to administrative fines, fees, and costs.

¹ The official name is "Onizuka Center for International Astronomy Visitor Information Station" located near Halepōhaku at the 9,300 foot elevation level.

VIOLATION FACTS:

Investigation and Documentation History

On December 5, 2017, a Notice to Cease and Desist was served by a DOCARE Officer to Mr. Chun-Kai Huang of Green Travel & Tour, Inc. at their place of business at Kekuanaoa Street, Hilo, Hawaii, to “immediately cease and desist all commercial activities within Mauna Kea Forest Reserve.” Mr. Huang signed and dated the Cease and Desist Notice as of the date of delivery, December 5, 2017. Prior to the issuance of the notice, OMKM Rangers documented Green Travel & Tour, Inc. conducting commercial activities within Mauna Kea FR on 16 separate occasions within a 90-day reporting period. The notice to cease and desist also states that “[n]o person shall engage in commercial activities of any kind in a forest reserve without a written permit from the board or its authorized representative” and that “any person violating any of the provisions of these rules [HAR §13-104-24] shall be penalized with an administrative fine...².”

On December 8, 2017, after being served the Cease and Desist notice on Green Travel & Tour, Inc. business, OMKM Rangers documented Green Travel & Tour, Inc.³ (referred to in their reports as “Green Tours” or “Green Travel Tours”) again conducting a commercial tour in the Mauna Kea FR. The commercial tour van was seen parked near the Maunakea Visitor Information Station with the tour heading from the Mauna Kea Access Road/Summit Road toward the forest reserve. Green Travel & Tour, Inc. was again duly notified that such activities are illegal

On December 18, 2017, Green Travel & Tour, Inc. was again documented entering the Mauna Kea FR via Kalepeamoa Road/Road FB-10 head towards Pu‘u Kalepeamoa from the Mauna Kea Access Road/Summit Road. The Division of Conservation and Resources Enforcement again duly notified the tour company that such activities are illegal again on this date.

The OMKM Rangers photographed the tour vehicles in use during the tours and provided this documentation to DOCARE (Exhibit 1). Various tour vehicles were used, including rental vans, each of which had a magnetic emblem reflecting the logo (see Figure 1 below). The OMKM Rangers have continued to document Green Travel & Tour, Inc. conducting tours in the Mauna Kea FR in four separate incidents in December of 2017 since the notice was served on the company.



Figure 1: Green Travel & Tour, Inc. magnetic emblem reflecting the logo

² Section 13-104-3, HAR, was adopted in 1993 and erroneously refers to penalties for violations of chapter 13-104 rule provisions as a misdemeanor. Only those persons violating the timber trespass under section 183-17, HRS, can be found guilty of a criminal misdemeanor.

³ The legal name “Green Travel & Tour, Inc.” was found in DCCA Business Registration Division records, with business address 496 Kanoelehua Ave., Hilo, Hawaii 96720.

DISCUSSION:

The Office of Maunakea Management and DOCARE have been working cooperatively in the management, documentation, and enforcement of illegal activities being conducted within the Mauna Kea FR. The increasing popularity of the sunset viewing and stargazing in the areas surrounding the Maunakea Visitor Information Station has spurred a number of commercial tour operators to utilizing the Mauna Kea FR for their tours.

Per section 13-104-24, HAR, any person conducting a commercial activity within a forest reserve must first obtain a written permit from the Board of Land and Natural Resources, or its authorized representative. To date, DLNR (via BLNR) has not issued any permits to conduct commercial tours on or in the Mauna Kea FR, nor authorized any such commercial activity.

Applicable and recommended penalties

In 2006, the Legislature passed into law section 183-5, HRS, allowing administrative penalties for violations as follows:

[§183-5] General administrative penalties. (a) Except as otherwise provided by law, the board or its authorized representative may:

- (1) Set, charge, and collect administrative fines;
- (2) Bring legal action to recover administrative fines, fees, and costs, including attorney's fees and costs and costs associated with land or habitat restoration; and
- (3) Collect administrative fees and costs pursuant to paragraph (2),

resulting from a violation of this chapter, any rule adopted, or permit issued thereunder.

(b) The administrative fines for violation of this chapter shall be as follows:

- (1) For a first violation, or any violation not preceded within a five-year period by a violation of this chapter, a fine of not more than \$2,500 per violation;
- (2) For a second violation within five years of a previous violation of this chapter, a fine of not more than \$5,000 per violation; and
- (3) For a third or subsequent violation within five years of the last violation of this chapter, a fine of not more than \$10,000 per violation.

To staff's knowledge, this appears to be the first administrative enforcement action by DLNR against Green Travel & Tour, Inc. If sustained, this would constitute the business' first offense regarding DLNR's forest reserve administrative rules. This submittal only covers alleged violations by Green Travel & Tour, Inc. up until the date of incident contained in the last dated enforcement report (December 18, 2017).

Aggravating and mitigating factors for fine amount

The definition of commercial activity in section 13-104-2 includes the provision of transportation to or from the forest reserve (see “LEGAL AUTHORITY” below). The enforcement facts developed to date clearly document Green Travel & Tour, Inc. vehicles arriving near the time of sunset (and later leaving) with large groups of people being led into the forest reserve presumably for purposes of stargazing in the area of Maunakea pu‘u, the circumstantial evidence is considerable (16+ occasions in which Green Travel & Tour, Inc. was identified by vans with company emblems transporting groups of people into the forest reserve, identification of the driver transporting people as an employee of the company, numerous warnings from DOCARE Officers and OMKM Rangers on conducting unauthorized commercial tours in the area).

Reasons for imposing a larger fine include:

- Frequent travel and use of the forest reserve without a permit
- Continued violation conduct after being warned to cease and desist
- Charged as a continuing course of conduct over 30+ days rather than as separate violations

Reasons for consideration of a lesser fine amount:

- None

LEGAL AUTHORITY:

Section 13-104-24, HAR, provides that “no person shall engage in commercial activities of any kind in a forest reserve without a written permit from the board or its authorized representative.” “Commercial activity” is defined by Section 13-104-2, HAR, as “the use of or activity in the forest reserve for which compensation is received by any person for goods or services or both rendered to customers or participants in that use or activity. Commercial activities include activities whose base of operations are outside the boundaries of the forest reserve, or provide transportation to or from the forest reserve.” (emphasis added)

Subsection 183-5(b), HRS, provides that administrative fines “for the first violation, or any violation not preceded within a five-year period by a violation of this chapter, a fine of not more than \$2,500 per violation.”

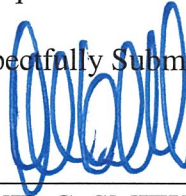
Policy considerations for imposition of the recommended fine include curtailing unmanaged or unregulated, unauthorized commercial activity in the forest reserve. As such, the Division is requesting the issuance of an administrative fine equal to \$2,500 as allowed under section 13-104-3, HAR and section 183-5, HRS.

RECOMMENDATIONS:

That the Board:

1. Find that Green Travel & Tour, Inc. violated Hawaii Administrative Rules (HAR) section 13-104-24 as stated in the attached DOCARE report and as discussed above, for engaging in commercial activities in the forest reserve without a permit.
2. Authorize an administrative fine of \$2,500 to be assessed against Green Travel & Tour, Inc. pursuant to Hawaii Revised Statutes (HRS) section 183-5 for the violation of HAR section 13-104-24, for engaging in commercial activities in a forest reserve without a permit.
3. Notify Green Travel & Tour, Inc. that any future violation may result in additional penalties of increasing amounts as provided in section 183-5, HRS.
4. Refer this matter to the Department of the Attorney General for administrative and legal enforcement in the event that a request for a contested case is made.

Respectfully Submitted,



DAVID G. SMITH, Administrator
Division of Forestry and Wildlife

APPROVED FOR SUBMITTAL:



SUZANNE D. CASE, Chairperson

Attachments:

Exhibit 1: DOCARE Report and Notice to Cease and Desist

State of Hawaii | Department of Land and Natural Resources | Division of Conservation and Resources Enforcement

INVESTIGATION # 18-0604-HA	District Hawaii	Lead Investigator Shishido, Edwin	Report Status In Progress	Key Report <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Date/Time Reported 12/05/2017 01:10PM	Location Mauna Kea GMA and Forest	Classification Forestry: Cease & Desist	Connecting Reports 18-0622-HA	

Investigation Report

BASIC	1. CLASSIFICATION Forestry: Cease & Desist						2. SOURCE On Beat		
	3. COMPLAINANT'S NAME Edwin Shishido			4. SEX	5. RACE	6. AGE	7. BIRTH DATE	8. OCCUPATION	
	9. ADDRESS			10. PLACE EMPLOYED/SCHOOL ATTENDING		11. HOME	12. WORK	13. CELL	
	14. LOCATION OF INCIDENT/INTERSECTING STREET Mauna Kea Access Road/Mauna Kea Summit Road					15. DATE/TIME OCCURRED		16. DATE/TIME REPORTED 12/05/2017 01:10PM	
VEHICLES	17. TYPE	18. YEAR	19. MAKE	20. MODEL	21. COLOR	22. LICENSE / HA No.	23. LENGTH	24. STOLEN	
	25. REGISTERED OWNER		26. ADDRESS			27. HOME	28. WORK	29. CELL	
	30. NOTES								
	31. TYPE	32. YEAR	33. MAKE	34. MODEL	35. COLOR	36. LICENSE / HA No.	37. LENGTH	38. STOLEN	
PEOPLE	39. REGISTERED OWNER		40. ADDRESS			41. HOME	42. WORK	43. CELL	
	44. NOTES								
	45. NAME Chun-Kai HUANG			46. SEX	47. RACE	48. AGE	49. BIRTH DATE	50. OCCUPATION Manager	
	51. CATEGORY Suspect		52. ADDRESS [REDACTED], Hilo, HI, [REDACTED]				53. HOME	54. WORK	55. CELL
SYNOPSIS	56. NAME			57. SEX	58. RACE	59. AGE	60. BIRTH DATE	61. OCCUPATION	
	62. CATEGORY		63. ADDRESS				64. HOME	65. WORK	66. CELL
	67. NAME			68. SEX	69. RACE	70. AGE	71. BIRTH DATE	72. OCCUPATION	
	73. CATEGORY		74. ADDRESS				75. HOME	76. WORK	77. CELL
<p>78. SYNOPSIS</p> <p>On 12-05-17/1240 hrs, Tuesday, Officer SHISHIDO contacted the aforementioned suspect, Chun-Kai HUANG, at HUANG's place of business at 610 Kekuanapa Street, Hilo, HI 96720. Based on the OMKM Ranger reports for the last 90 days, Green Tours has been seen and documented 16 times in the Mauna Kea Forest Reserve area in the vicinity of Hale Pohaku, conducting commercial activity without a permit. In direct violation of HAR 13-104-24. On this day and time, Officer SHISHIDO issued HUANG a notice of Cease and Desist, dated 05DEC17. HUANG signed the letter acknowledging receiving the letter. A copy of the letter was given to HUANG for his records. Officer SHISHIDO left the area at 1330 without incident.</p> <p>ATTACHMENTS: Cease and Desist letter, OMKM Ranger Report</p> <p>DISPOSITION: CLOSED. WARNING ISSUED.</p>									
WRITER	79. REPORT WRITTEN BY Shishido, Edwin			80. BADGE No. 188	81. DATE/TIME WRITTEN 12/12/2017 07:15AM		82. SUPERVISOR APPROVING Weller, James		
	83. DISPOSITION			84. BADGE No. 19					

State of Hawaii | Department of Land and Natural Resources | Division of Conservation and Resources Enforcement

INVESTIGATION # 18-0604-HA	District Hawaii	Lead Investigator Shishido, Edwin	Report Status In Progress	Key Report <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Date/Time Reported 12/05/2017 01:10PM	Location Mauna Kea GMA and Forest	Classification Forestry: Cease & Desist	Connecting Reports 18-0622-HA	

WARNINGS

Issuing Officer Shishido, Edwin Issue Date/Time 12/05/2017 01:10PM
Defendant HUANG, Chun-Kai (Suspect)
Notes

Violation Activity Code
13-104-24 COMMERCIAL ACTIVITIES WITHOUT A PERMIT 1200 Forestry

Vehicle

18-0604-HA

DAVID Y. IGE
GOVERNOR OF
HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

19 EAST KAWILI STREET
HILO, HAWAII 96720
PH: (808) 974-4221 FAX: (808) 974-4226

5 DEC 17

SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

ROBERT K. MASUDA
FIRST DEPUTY

JEFFREY T. PEARSON, P.E.
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

Chun Kai Huang
[REDACTED] ST
Hilo, HI [REDACTED]
[REDACTED]

Re: Notice to Cease and Desist Commercial Activities within the Mauna Kea Forest Reserve,
Island of Hawaii

Dear Mr. Huang,

It has come to the attention of the Department of Land and Natural Resources (DLNR), Division of Forestry and Wildlife (DOFAW) that you are conducting commercial activities on a portion of Mauna Kea Forest Reserve (TMK 3-4-4-015-001).

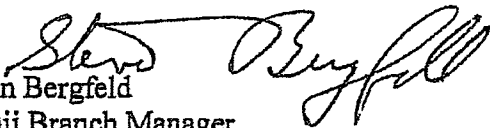
HAR §13-104-24 states "No person shall engage in commercial activities of any kind in a forest reserve without a written permit from the board or its authorized representative" (HAR §13-104-24).

Any person violating any of the provisions of these rules shall be penalized with an administrative fine from the Board of Land and Natural Resources (HAR §13-104-3).


You must immediately cease and desist all commercial activities within Mauna Kea Forest Reserve. DLNR and DOFAW will be monitoring activities in the area for compliance and will take further action as needed to enforce the rules and regulations of the State of Hawaii.

Please feel free to contact the Hawaii Branch Forest Management Supervisor with any questions or concerns on this matter. His contact information is provided below.

Mahalo for your cooperation,


Steven Bergfeld
Hawaii Branch Manager
Division of Forestry & Wildlife

Jay Hatayama
Forest Management Supervisor
Div. of Forestry & Wildlife
19 E. Kawili St.
Hilo, HI 96720
Office: 808-974-4221
Email: Jay.M.Hatayama@hawaii.gov


Received 5 DEC 17 / 1310

State of Hawaii | Department of Land and Natural Resources | Division of Conservation and Resources Enforcement

INVESTIGATION # 18-0622-HA	District Hawaii	Lead Investigator Shishido, Edwin	Report Status In Progress	Key Report <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Date/Time Reported 12/08/2017 07:16AM	Location Mauna Kea GMA and Forest	Classification Forestry: Prohibited Activity	Connecting Reports 18-0604-HA	

Investigation Report

BASIC	1. CLASSIFICATION Forestry: Prohibited Activity						2. SOURCE Other		
	3. COMPLAINANT'S NAME Edwin Shishido			4. SEX	5. RACE	6. AGE	7. BIRTH DATE	8. OCCUPATION	
	9. ADDRESS			10. PLACE EMPLOYED/SCHOOL ATTENDING		11. HOME	12. WORK	13. CELL	
	14. LOCATION OF INCIDENT/INTERSECTING STREET Mauna Kea Access Road/Mauna Kea Summit Road Mauna Kea Forest Reserve					15. DATE/TIME OCCURRED 12/07/2017 05:00PM		16. DATE/TIME REPORTED 12/08/2017 07:16AM	
VEHICLES	17. TYPE	18. YEAR	19. MAKE	20. MODEL	21. COLOR	22. LICENSE / HA No.	23. LENGTH	24. STOLEN	
	25. REGISTERED OWNER		26. ADDRESS			27. HOME	28. WORK	29. CELL	
	30. NOTES								
	31. TYPE	32. YEAR	33. MAKE	34. MODEL	35. COLOR	36. LICENSE / HA No.	37. LENGTH	38. STOLEN	
PEOPLE	39. REGISTERED OWNER		40. ADDRESS			41. HOME	42. WORK	43. CELL	
	44. NOTES								
	45. NAME GREEN TOURS TOUR COMAPANY			46. SEX Unknown	47. RACE	48. AGE	49. BIRTH DATE	50. OCCUPATION	
	51. CATEGORY Suspect		52. ADDRESS [REDACTED] Hilo, HI, [REDACTED]				53. HOME	54. WORK	55. CELL
PEOPLE	56. NAME			57. SEX	58. RACE	59. AGE	60. BIRTH DATE	61. OCCUPATION	
	62. CATEGORY		63. ADDRESS				64. HOME	65. WORK	66. CELL
	67. NAME			68. SEX	69. RACE	70. AGE	71. BIRTH DATE	72. OCCUPATION	
	73. CATEGORY		74. ADDRESS				75. HOME	76. WORK	77. CELL

PEOPLE	45. NAME GREEN TOURS TOUR COMAPANY			46. SEX Unknown	47. RACE	48. AGE	49. BIRTH DATE	50. OCCUPATION	
	51. CATEGORY Suspect		52. ADDRESS [REDACTED] Hilo, HI, [REDACTED]				53. HOME	54. WORK	55. CELL
	56. NAME			57. SEX	58. RACE	59. AGE	60. BIRTH DATE	61. OCCUPATION	
	62. CATEGORY		63. ADDRESS				64. HOME	65. WORK	66. CELL
PEOPLE	67. NAME			68. SEX	69. RACE	70. AGE	71. BIRTH DATE	72. OCCUPATION	
	73. CATEGORY		74. ADDRESS				75. HOME	76. WORK	77. CELL

SYNOPSIS	78. SYNOPSIS On 12-08-17/0716, Friday, Officer SHISHIDO received information from OMKM Mauna Kea Rangers that Green Tours Tour van was observed in the Mauna Kea Forest Reserve at the Mauna Kea summit. Located in the Mauna Kea Forest Reserve, Mauna Kea Access Road/Mauna Kea Summit Road. Further located near the UH 88 parking area on the summit of Mauna Kea. Green Tours driver was known only as "Mike." Photographs were taken. On 12-05-17 Officer SHISHIDO issued Green Tours Tour Company Manager Chun-Kai HUANG a Cease & Desist Notice regarding using the Mauna Kea Forest Reserve without a permit. REFER TO REPORT 18-0604-HA for more information. Despite the warning and C&D letters, Green Tours ignored the warnings of consequences. Due to the DOFAW Forestry rules are admin penalties this case is to be forwarded to DOFAW for their review and disposition.							
	CONNECTING REPORT: 18-0604-HA							
	PHOTOGRAPHS: REFER TO PHOTO REPORT FOR VISUAL DETAILS.							
	ATTACHMENT: R.O. VEHICLE HL367.							
SYNOPSIS	DISPOSITION: CASE REFERRED TO DOFAW.							
	SEND A COPY OF THIS REPORT AND CONNECTING REPORT TO DOFAW ATTN: STEVER BERGFELD, JAY HATAYAMA, AND DAVE SMITH.							

WRITER	79. REPORT WRITTEN BY Shishido, Edwin	80. BADGE No. 188	81. DATE/TIME WRITTEN 12/10/2017 07:08AM	82. SUPERVISOR APPROVING Weller, James	83. DATE/TIME APPROVED 12/10/17	84. BADGE No. 19
	95. DISPOSITION					

INVESTIGATION # 18-0622-HA	DISTRICT Hawaii	LEAD INVESTIGATOR Edwin Shishido	KEY REPORT [X] Yes []
DATE / TIME REPORTED 12/8/2017 7:16:00 AM	LOCATION Mauna Kea GMA and Forest Reserve	CLASSIFICATION Forestry: Prohibited Activity	CONNECTING REPORT(S) 18-0604-HA

Report Description: [Unpermitted Commercial Tour](#)
Date/Time Taken: [12-07-17/1745](#)
Taken By: Shishido, Edwin
Scene: [Mauna Kea summit](#) [Mauna Kea Forest Resere](#) [UH 88 parking](#)

Equipment: [cellphone](#)
Weather Conditions: [clear](#)
Lighting:
Focus:

1 Depicts photo of vehicle HLV367. PUC#5675-6-23.



18-0622-4A

Dec 10, 2017 7:03:38 AM

Printed By: H15SHISE from: DLNR02

Received Time: 07:03:34 12-10-17 Source ORI: HI0020702
Summary: M55L: LIC=HLV367 TYP=1
View Message Details

DLNR02 00011 AT 07:03 12/10/2017
RX05M55L
MRI-997527

Received Time: 07:03:34 12-10-17 Source ORI: HILIC0000
Summary: M55L: LIC=HLV367 TYP=1
View Message Details

M55L/1/HLV367

PLATE: HLV367 STATUS: A SPEC-PLT: EMBLEM: HLV367 EXPIR-DATE: 02 18
VIN: 1FMJU1G57AEB20555 MAKE: FORD TYPE: MPVH YR-MODEL: 10 COLOR: O
RO-NAME: GREEN TRAVEL & TOURS INC PHON-CODE: *2650 COUNTY: H
RO-ADDRESS: 610 KEKUAKANOA ST RO-CITY: HILO HI 96720
LO-NM: SAME SF-EXP: 12 17 TCI-NO: HLV367-16
LO-ADDRESS: LO-CITY:
1ST-SOLD: 02 25 10 DT-ISS: 02 17 17 TX-RT: P HVUC: TVB: BAD-CK: SP-VEH:
NET-WT: 05730 GVW: 000000 EXMPT: FUEL: G ODOM: 034957 ODOM-EXC: N ODOM-DSC: N
MO-TX: 12 TAX-COLL: 231.23 PENALTY-AMT: 0.00 FLT-EMB: 25.50 OT-FND:
PRI-PT: XRF-PT: VO: N MO: N DUP-DT: 08 05 16 LS-UDT: 02 17 17
ELT KEY:
F1:MPL F2:MOT F3:MCP F5:MFC F6:MAC F7:MCMT F10:MNR F11:MVRN F12:MFEE

MRI 997528 IN: RX05M55L 365 AT 10DEC2017 07:03:34
OUT: DLNR02 9 AT 10DEC2017 07:03:34

State of Hawaii | Department of Land and Natural Resources | Division of Conservation and Resources Enforcement

INVESTIGATION # 18-0697-HA	District Hawaii	Lead Investigator Lee, Maui	Report Status In Progress	Key Report <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Date/Time Reported 12/18/2017 05:40PM	Location Mauna Kea GMA and Forest	Classification FORESTRY: PROHIBITED ACTIVITY		Connecting Reports

Investigation Report

BASIC	1. CLASSIFICATION FORESTRY: PROHIBITED ACTIVITY						2. SOURCE Other	
	3. COMPLAINANT'S NAME MAUNA KEA RANGERS			4. SEX	5. RACE	6. AGE	7. BIRTH DATE	8. OCCUPATION
	9. ADDRESS			10. PLACE EMPLOYED/SCHOOL ATTENDING		11. HOME	12. WORK	13. CELL
	14. LOCATION OF INCIDENT/INTERSECTING STREET MAUNA KEA FOREST RESERVE, MAUNA KEA ACCESS ROAD/KALEPEAMOA ROAD					15. DATE/TIME OCCURRED 12/18/2017 05:40PM		16. DATE/TIME REPORTED 12/18/2017 05:40PM

VEHICLES	17. TYPE Car	18. YEAR	19. MAKE	20. MODEL	21. COLOR	22. LICENSE / HA No. HLV369	23. LENGTH -	24. STOLEN No
	25. REGISTERED OWNER		26. ADDRESS HI			27. HOME	28. WORK	29. CELL
	30. NOTES							
	31. TYPE	32. YEAR	33. MAKE	34. MODEL	35. COLOR	36. LICENSE / HA No.	37. LENGTH	38. STOLEN
PEOPLE	39. REGISTERED OWNER		40. ADDRESS			41. HOME	42. WORK	43. CELL
	44. NOTES							
	45. NAME MIKE			46. SEX Unknown	47. RACE	48. AGE	49. BIRTH DATE	50. OCCUPATION
	51. CATEGORY		52. ADDRESS HI			53. HOME	54. WORK	55. CELL
PEOPLE	56. NAME			57. SEX	58. RACE	59. AGE	60. BIRTH DATE	61. OCCUPATION
	62. CATEGORY		63. ADDRESS			64. HOME	65. WORK	66. CELL
	67. NAME			68. SEX	69. RACE	70. AGE	71. BIRTH DATE	72. OCCUPATION
	73. CATEGORY		74. ADDRESS			75. HOME	76. WORK	77. CELL

PEOPLE	45. NAME MIKE			46. SEX Unknown	47. RACE	48. AGE	49. BIRTH DATE	50. OCCUPATION
	51. CATEGORY		52. ADDRESS HI			53. HOME	54. WORK	55. CELL
	56. NAME			57. SEX	58. RACE	59. AGE	60. BIRTH DATE	61. OCCUPATION
	62. CATEGORY		63. ADDRESS			64. HOME	65. WORK	66. CELL
PEOPLE	67. NAME			68. SEX	69. RACE	70. AGE	71. BIRTH DATE	72. OCCUPATION
	73. CATEGORY		74. ADDRESS			75. HOME	76. WORK	77. CELL

SYNOPSIS	78. SYNOPSIS On 12-18-17 at approximately 1540 hours, Information was passed on to DOCARE via OMKM Mauna Kea Rangers about a Green Tours SUV entering Kalepeamoa Road from the Mauna Kea Access Road with the license #HLV369. After investigating further, the license # given was found to be incorrect and no positive identification could be made from the photos that were submitted. I called Green Tours and notified them that they were observed again at Mauna Kea and reminded them of the Cease & Desist 12-5-17 (18-0604-HA) and of being in violation on 12-8-17 (18-0622-HA). They were given a verbal warning and reminded about the Cease & Desist until a Permit was obtained. COOECTING REPORTS: 18-0604-HA, 18-0622-HA DISPOSITION: UNABLE TO MAKE POSITIVE IDENTIFICATION ON VEHICLE. CLOSED: RECORDS ONLY.							
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WRITER	79. REPORT WRITTEN BY Lee, Maui	80. BADGE No. 67	81. DATE/TIME WRITTEN 12/28/2017 03:52PM	82. SUPERVISOR APPROVING Weller, James	83. DATE/TIME APPROVED 12/30/17	84. BADGE No. 19
	85. DISPOSITION					

Shishido, Edwin A

From: Scotty Paiva <ppaiva@hawaii.edu>
Sent: Tuesday, December 19, 2017 9:11 AM
To: Shishido, Edwin A
Subject: Fwd: Unpermitted Green Travel Tours
Attachments: 12-18-17 Green Travel Tours exiting Zone 4 parking.jpg; 12-18-17 Green Travel Tours heading up Kalepeamoa Road.jpg

Green Tours sited yesterday. Photos and entry from ranger report.

1740	Observed Green Travel Tours exiting Zone 4 parking area. The driver was Mike with 6 passengers in the silver Ford Expedition license HLV-369. I then observed the vehicle to go up Kalepeamoa road. Photos submitted. KA
------	--

----- Forwarded message -----

From: Kelvin Andrade <kelvinan@hawaii.edu>
Date: Mon, Dec 18, 2017 at 8:21 PM
Subject: Unpermitted Green Travel Tours
To: OMKM Ranger Photos <omkm-ranger-photos-grp@hawaii.edu>

Aloha All,

I observed and photographed Green Travel Tours silver Ford Expedition HLV-369 exiting the Zone 4 Parking area and later heading up Kalepeamoa road. Here are the two photos documenting this activity.

Mahalo,

Kelvin

✓ I received this message because you are subscribed to the Google Groups "OMKM Ranger Photos" group.
 To post to this group, send email to omkm-ranger-photos-grp@hawaii.edu.

photo taken by OMER Mawra Lea Ranger Kevin ANDRADE 12-18-17/1800
vehicle circled in red. Driver recognized as "Mike" Green Tour
driver as per reports.

CONX 18-0697-4A



Photo taken by OUPH Mauna Kea Ranger Kevin ANDRADA 12-10-11/10
Vehicle observed heading into EB-10 Road to Puu Kalepae.
Rangers recognize driver as "Mike" from Green Tours.

CONX 18-0697-H



Shishido, Edwin A

From: Scotty Paiva <ppaiva@hawaii.edu>
Sent: Wednesday, January 03, 2018 4:05 AM
To: Shishido, Edwin A
Cc: Kamakau, Lino M; Stephanie Nagata; Joy Yoshina
Subject: Fwd: Unpermitted Tours- Green Travel Tours
Attachments: 12-30-2017 Green Travel Tours parked at UKIRT.jpg

Aloha Edwin,

Green Tours on the summit on Saturday the 30th.

Mahalo,
 Scotty

----- Forwarded message -----

From: Kelvin Andrade <kelvinan@hawaii.edu>
Date: Mon, Jan 1, 2018 at 9:39 AM
Subject: Unpermitted Tours- Green Travel Tours
To: OMKM Ranger Photos <omkm-ranger-photos-grp@hawaii.edu>

Aloha All,

The following photo was taken on Saturday December 30, 2017 of Green Travel Tours operating a Harpers Van and covering the Harpers emblems with a white magnet. The driver was identified as Mike and he was transporting 10 passengers. This photo was taken at approximately 1730 on the summit next to UKIRT. There was also the PUC number displayed on the front bumper with a magnet.

Mahalo,

Kelvin

You received this message because you are subscribed to the Google Groups "OMKM Ranger Photos" group. To post to this group, send email to omkm-ranger-photos-grp@hawaii.edu.

Photo taken by OMEK Mawun Koa Kenger
KALVIN ANDRABE
12-30-17/1730

18-0741-44A



State of Hawaii | Department of Land and Natural Resources | Division of Conservation and Resources Enforcement

INVESTIGATION # 18-0741-HA	District Hawaii	Lead Investigator Shishido, Edwin	Report Status In Progress	Key Report <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Date/Time Reported 01/03/2018 04:05AM	Location Mauna Kea GMA and Forest	Classification Forestry: Prohibited Activity	Connecting Reports 18-0604-HA, 18-0622-HA, 18-0697-HA	

Investigation Report

BASIC	1. CLASSIFICATION Forestry: Prohibited Activity						2. SOURCE Other							
	3. COMPLAINANT'S NAME Paul PAIVA			4. SEX Male	5. RACE	6. AGE 61	7. BIRTH DATE 11/07/1956	8. OCCUPATION						
	9. ADDRESS 1169 Kaumana Dr, Hilo, HI, 96720			10. PLACE EMPLOYED/SCHOOL ATTENDING		11. HOME	12. WORK 808-969-9613	13. CELL 808-960-2952						
	14. LOCATION OF INCIDENT/INTERSECTING STREET Mauna Kea summit road/Mauna Kea Access Road					15. DATE/TIME OCCURRED 12/30/2017 05:30PM		16. DATE/TIME REPORTED 01/03/2018 04:05AM						
VEHICLES	17. TYPE Van	18. YEAR 2014	19. MAKE Ford	20. MODEL Bus	21. COLOR white	22. LICENSE / HA No. ZCY683	23. LENGTH -	24. STOLEN No						
	25. REGISTERED OWNER BATS INC		26. ADDRESS 456 Kalaniana'ole Ave, Hilo, HI, 96720				27. HOME	28. WORK						
	30. NOTES Also dba Harper Car and Truck Rentals													
	31. TYPE	32. YEAR	33. MAKE	34. MODEL	35. COLOR	36. LICENSE / HA No.	37. LENGTH	38. STOLEN						
	39. REGISTERED OWNER		40. ADDRESS				41. HOME	42. WORK						
PEOPLE	45. NAME Green Tours			46. SEX Unknown	47. RACE	48. AGE	49. BIRTH DATE	50. OCCUPATION						
	51. CATEGORY Suspect		52. ADDRESS 610 Kekuanaoa, Hilo, HI, 96720				53. HOME	54. WORK 808-934-9187						
	56. NAME			57. SEX	58. RACE	59. AGE	60. BIRTH DATE	61. OCCUPATION						
	62. CATEGORY		63. ADDRESS				64. HOME	65. WORK						
	67. NAME			68. SEX	69. RACE	70. AGE	71. BIRTH DATE	72. OCCUPATION						
	73. CATEGORY		74. ADDRESS				75. HOME	76. WORK						
	77. CELL													
SYNOPSIS	78. SYNOPSIS On 01-09-17/0700, Tuesday, Officer SHISHIDO assigned to follow-up on investigations into unpermitted commercial tours in the Mauna Kea FR/GMA areas of the Mauna Kea Summit. Emails received are attached to this report along with photos. It was reported by OMKM Mauna Kea Head Ranger Paul "Scotty" PAIVA that Green Tours have been continuously seen accessing the Mauna Kea Forest Reserve after Officer SHISHIDO issued a Cease & Desist to said Green Tours, re: 18-0604-HA (dated 12-05-17). REFER TO ATTACHED EMAIL AND PHOTOS. It should also be noted that the van/bus used by Green Tours is a Harper Car & Truck Rental. REFER TO ATTACHED R.O. AND HAPER RENTAL WEBSITE PAGES. Harper Rental Also advertises rentals to be used on Mauna Kea, therefore, a question of commercial activity by Rental Agency as stated in HAR 13-104-24, and definition of Commercial Activity as stated in HAR 13-104-2 Definitions. It should also be noted that on 12-19-17/0911, Tuesday, another report, re: 18-0697-HA, of Green Tours being observed in the Mauna Kea Forest Reserve. Although the license plate given was inaccurate, OMKM Rangers recognize the driver "Mike" as noted in numerous other reports. This report is also attached with photos. ATTACHEMENTS: e-mail from Paul Paiva, photo taken by OMKM Ranger ANDRADE, RO of vehicle #ZCY683, HAR 13-104-23 & 24, HAR 13-104-2, Harper Car and Truck Rental information from website, 18-0697-HA with photos and email from Paul "Scotty" PAIVA. DISPOSITION: CASE REFERRED TO DOFAW FOR THEIR REVIEW. ROUTE A COPY OF THIS REPORT TO STEVE BERGFELD, JAY HATAYAMA & (DAVE SMITH; ATTN IRENE SPRECHER DOFAW)													
	<table border="1"> <tr> <td>79. DATE/TIME WRITTEN BY Shishido, Edwin</td> <td>80. BADGE No. 188</td> <td>81. DATE/TIME WRITTEN 01/09/2018 11:22AM</td> <td>82. SUPERVISOR APPROVING Weller, James</td> <td>83. DATE/TIME APPROVED 01/09/18</td> <td>84. BADGE No. 19</td> </tr> </table>								79. DATE/TIME WRITTEN BY Shishido, Edwin	80. BADGE No. 188	81. DATE/TIME WRITTEN 01/09/2018 11:22AM	82. SUPERVISOR APPROVING Weller, James	83. DATE/TIME APPROVED 01/09/18	84. BADGE No. 19
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	85. DISPOSITION													

18-0741-HA

Jan 9, 2018 8:39:22 AM

Printed By: H15SHISE from: DLNR02

Received Time: 08:39:08 01-09-18 Source ORI: HI0020702
Summary: M55L: LIC=ZCY683 TYP=1
View Message Details

DLNR02 00017 AT 08:39 01/09/2018
RX05M55L
MRI-668398

Received Time: 08:39:08 01-09-18 Source ORI: HILIC0000
Summary: M55L: LIC=ZCY683 TYP=1
View Message Details

M55L/1/ZCY683

PLATE: ZCY683 STATUS: A SPEC-PLT: EMBLEM: ZCY683 EXPIR-DATE: 02 18
VIN: 1FBSS3BL6EDA93123 MAKE: FORD TYPE: BUS YR-MODEL: 14 COLOR: Q
RO-NAME: BATS INC PHON-CODE: *1320 COUNTY: H
RO-ADDRESS: 456 KALANIANA'OLE AVE RO-CITY: HILO HI 96720
LO-NM: SAME SF-EXP: 05 18 TCI-NO: ZCY683-15
LO-ADDRESS: LO-CITY:
1ST-SOLD: 03 02 15 DT-ISS: 02 13 17 TX-RT: P HVUC: TVB: BAD-CK: SP-VEH:
NET-WT: 06530 GVW: 000000 EXMPT: FUEL: G ODOM: 001716 ODOM-EXC: N ODOM-DSC: N
MO-TX: 12 TAX-COLL: 257.23 PENALTY-AMT: 0.00 PLT-EMB: 25.50 OT-PND:
PRI-PT: XRF-PT: VO: N MO: N DUP-DT: LS-UDT: 05 02 17
ELT KEY:
F1:MPL F2:MOT F3:MCP F5:MFC F6:MAC F7:MCMT F10:MNR F11:MVRN F12:MFEE

MRI 668399 IN: RX05M55L 368 AT 09JAN2018 08:39:08
OUT: DLNR02 12 AT 09JAN2018 08:39:09

HRS §183-2)

§13-104-23 Access permits. (a) Permits for access to or entry into forest reserves may be required by the board or its authorized representative for the following purpose:

- (1) To comply with the requirements of private landowners or lessees who permit access to forest reserves through their land;
- (2) To control the number of people using a forest reserve or an area within a forest reserve in order to minimize the impact upon environmentally sensitive area;
- (3) To control the types of uses of a forest reserve or an area within a forest reserve in order to minimize the dangers of incompatible uses in the same area (e.g. horseback riding and motorcycle riding); and
- (4) To control periods of use of a forest reserve, especially during periods when fire danger levels are high.
- (5) To collect plants or animals for scientific purposes.

(b) Access permits shall be obtained from the district offices of the division during regular working hours of the department.

(c) Persons applying for an access permit shall provide their names and addresses and shall produce identification satisfactory to the board or its authorized representative. The board or its authorized representative may require the names, addresses, and telephone numbers of all persons included on a permit. [Eff 9/28/81; am and comp 10/15/93] (Auth: HRS §183-2) (Imp: HRS §183-2)

§13-104-24 Commercial activities. No person shall engage in commercial activities of any kind in a forest reserve without a written permit from the board or its authorized representative. [Eff 12/09/02] (Auth: §183-2) (Imp: §183-2)

Subchapter 1 General Provisions

§13-104-1 Purpose and applicability. (a) The purpose of these rules is to regulate activity within forest reserves established pursuant to sections 183-11 and 183-15, Hawaii Revised Statutes.

(b) These rules shall apply to all persons entering the boundaries of a forest reserve. Everyone using the forest reserves should conduct themselves in a safe and courteous manner. Users of the forest reserves should be aware that there are certain inherent risks involved due to other users and the environment and should use caution at all times. [Eff 9/28/81; comp 10/15/93] (Auth: HRS §183-2) (Imp: HRS §183-2)

§13-104-2 Definitions. As used in these rules, unless context requires otherwise:

"Administrator" means the administrator of the division of forestry and wildlife.

"Authorized representative" means the administrator, foresters, conservation enforcement officers, and other persons authorized by the board of land and natural resources to act for the board.

"Board" means the board of land and natural resources.

"Camping" means being in possession of a backpack, tents, blankets, tarpaulins, or other obvious camping paraphernalia, any time after one hour after sundown until sunrise in a forest reserve.

"Commercial activity" means the use of or activity in the forest reserve for which compensation is received by any person for goods or services or both rendered to customers or participants in that use or activity. Commercial activities include activities whose base of operations are outside the boundaries of the forest reserve, or provide transportation to or from the forest reserve.

"Compensation" includes but is not limited to, monetary fees, barter, or services in-kind.

"Division" means the division of forestry and wildlife.

"Department" means the department of land and natural resources.

"Forest reserve" means those lands designated as forest reserves by the department pursuant to sections 183-11 and 183-15, Hawaii Revised Statutes, and other lands for plant sanctuaries, facilities, nurseries and baseyards under the custody and control of the division.

"Motorized vehicle" means a vehicle of any shape or form that depends on a motor (gas, electric, or other fuels) for



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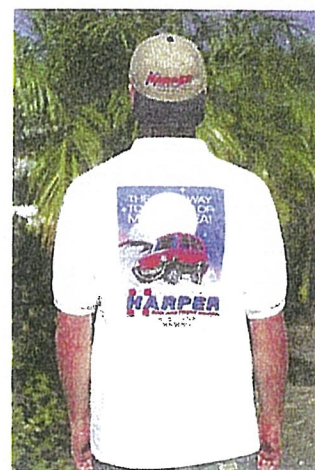
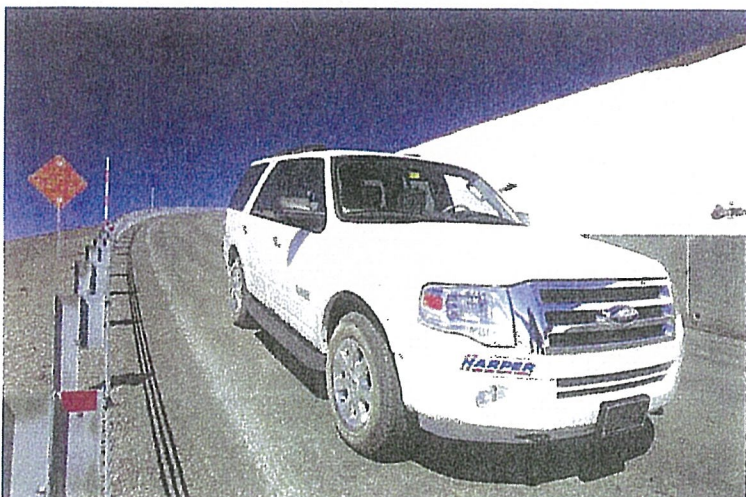
Drive to the Mauna Kea Summit

a 4 Wheel Drive vehicle!

Harper Car and Truck Rental is the only vehicle company on the island that allows 4 wheel drive rentals to be driven on Route 200 (the Saddle Road) and up to the top of Mauna Kea.

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Explore the Mauna Kea Summit with a 4 Wheel Drive vehicle!

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Elevation: 13,796 feet!

Along the drive you will travel through volcanic lava fields and ancient forests featuring rare plants found nowhere else in the world.

At the summit the air is thinner and the mountain can be topped with snow during the winter so dress appropriately! The summit is home to numerous space observatories and the views are spectacular!

Prepare for your Driving

Adventure Stock up on Provisions!

Once you leave Hilo of Kona town and reach the Saddle Road there are no public accommodations, food, or gasoline service so stock up on snacks, drinks in town and fill up the gas tank.

About 20 minutes from the turnoff from the Saddle Road, stop at the Visitor Information Station of the Onizuka Center for International Astronomy at the 9,000-foot level on the Mauna Kea access road. Read information about the observatory take a restroom break before continuing the remaining 14 miles to the summit.



photo by Jeff Powell, Bigbamboostock.com

Mauna Kea Gallery

Take a photographic journey up the mountain as seen from 4WD vehicle from Harpers. click photos to enlarge



all photos by [Brian Kossen, Bigbamboostock.com](#)



all photos by [Brian Kossen, Bigbamboostock.com](#)

Follow these driving directions to the Mauna Kea Summit

Hilo

From Harper Car and Truck Rental
456 Kalanianaʻole Street
Hilo, Hawaii 96720

To Mauna Kea Summit
43.2 mi – about 1 hour 22 mins

- | | |
|---|---------|
| 1. Head southwest on HI-19/Kalanianaʻole Ave toward Huipu St Continue to follow HI-19 | 0.5 mi |
| 2. Turn left at Hawaii Belt Rd/Hi-11/Kanoelehua Ave | 1.9 mi |
| 3. Turn right at HI-2000/E Puainako St Continue to follow HI-2000 | 1.7 mi |
| 4. Turn left at HI-2000/Puainako St | 4.6 mi |
| 5. Slight right at HI-200/Kaumana Dr Continue to follow HI-200 | 21.8 mi |
| 6. Turn right at John A Burns | 2.1 mi |

Kona

From Harper Car and Truck Rental
At Kona International Airport
Kailua-Kona, Hawaii 96740

To Mauna Kea Summit
70.8 mi – about 2 hours 11 mins

- | | |
|---|---------|
| 1. Turn right at Keahole St/Keahole Airport Rd | 0.4 mi |
| 2. Turn right at HI-19 | 0.5 mi |
| 3. Turn left at Kaiminani Dr | 3.6 mi |
| 4. Turn left at Hawaii Belt Rd/Hi-190 | 27.0 mi |
| 5. Turn right at HI-200/Saddle Rd | 25.7 mi |
| 6. Turn left at John A Burns Way/Mauna Kea Access Rd | 2.1 mi |
| 7. Slight left to stay on John A Burns Way/Mauna Kea Access | 5.8 mi |

Way/Mauna Kea Access Rd

Rd

18-0741-HA

- | | | | |
|--|--------|---|--------|
| 7. Slight left to stay on John A Burns Way/Mauna Kea Access Rd | 5.8 mi | 8. Slight left at Mauna Kea-Humuula Trail | 3.2 mi |
| 8. Slight left at Mauna Kea-Humuula Trail | 3.2 mi | 9. Turn left at Mauna Kea-Umikoa Trail | 0.6 mi |
| 9. Turn left at Mauna Kea-Umikoa Trail | 0.6 mi | 10. Turn left at John A Burns Way/Mauna Kea Access Rd | |
| 10. Turn left at John A Burns Way/Mauna Kea Access Rd | | | |

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