

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

June 14, 2019

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

Hawai'i Island

REQUEST FOR A REVOCABLE PERMIT TO HAWAI'I ISLAND ART ALLIANCE FOR PARK AND RECREATIONAL PURPOSES WITH THE WAILOA CENTER AT THE WAILOA RIVER STATE RECREATION AREA, HILO, HAWAI'I, TAX MAP KEY: (3) 2-2-013:003.

Applicant:

Hawai'i Island Art Alliance

LEGAL REFERENCE:

Hawai'i Revised Statutes § 171-13 and 55 as amended.

LOCATION:

Portion of State of Hawaii lands within the Wailoa River State Recreation Area, Hilo, Hawaii, identified by Tax Map Key (3) 2-2-013:003 as shown on the attached Exhibit A outlined in red.

AREA:

Approximately 6,000 square feet.

ZONING:

State Land Use District: U
County of Hawaii LUO: OPEN

TRUST LAND STATUS:

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

CURRENT USE STATUS:

Governor's Executive Order No. 2921 to the Department of Land and Natural Resources, Division of State Parks, for State Park purposes.

CHARACTER OF USE:

Park and recreational purposes.

COMMENCEMENT DATE:

Upon execution of the RP.

MONTHLY RENTAL:

Proceeds in excess of operating expenses will be donated to the Wailoa Center

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with Hawaii Administrative Rule Sections 11-200-8 and the Exemption List for the Department of Land and Natural Resources approved by the Environmental Council and dated June 5, 2015, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 1, Item 51 that states "Permits, licenses, registrations, and rights-of-entry issued by the Department that are routine in nature, involving negligible impacts beyond that previously existing". See exemption declaration attached as EXHIBIT B.

DCCA VERIFICATION:

Place of business registration confirmed:	NO
Registered business name confirmed:	NO
Applicant in good standing confirmed:	NO

PURPOSE:

Approve a Revocable Permit for the Hawaii Island Art Alliance (HIAA) which will allow them to conduct various exhibits, workshops, classes and an art fair to raise funds to help support the Wailoa Center with donations and activities to aid the Center.

REMARKS:

The Wailoa Center has been promoting monthly shows since the mid 1970's and its open nights have more than three hundred (300) people in attendance. The additional help of HIAA will help generate additional interest in the various programs available. The Wailoa Center is a unique feature in our State Park system and has become an important part of the art world on Hawaii Island.

The Hawai'i Island Art Alliance (HIAA) was formed as a support group for the Wailoa Center. It has been supporting the Wailoa Center with donations and labor since February 2015 and recently became a 501 C-3 non-profit organization to further its mission.

HIAA would like to coordinate and conduct fee based educational workshops, classes at an annual art fair. HIAA also hopes to install and manage recycling bins at the Wailoa Center.

Any and all fees charged will be with the written approval of State Parks. HIAA will donate all proceeds in excess of normal operating expenses generated from activities to the Wailoa Center.

Staff Comments

Staff is recommending approval of the issuance of a Revocable Permit to HIAA to further its efforts to support the Wailoa Center.

RECOMMENDATION: That the Board:

1. Approve the issuance of a Revocable Permit to the Hawaii Island Art Alliance in their support of the Wailoa Center subject to the following conditions:
2. Permittee, its officers, agents, employees, volunteers, consultants, contractors, and/or persons acting for, or on its behalf, shall at all times with respect to the Wailoa River State Recreation Area; a) use due care for public safety; b) agrees to release the State of Hawaii from any claims which Permittee might have against the State of Hawaii arising out of Permittee's occupation or use of the Wailoa River State Recreation Area; and c) shall be responsible for its own acts;
3. HIAA shall procure and maintain, at its own cost and expense, in full force and effect throughout the term of this Right of Entry, commercial general liability insurance, in an amount of at least \$1,000,000.00 per occurrence and \$2,000,000.00 aggregate, with an insurance company or companies licensed to do business in the State of Hawaii. The policy or policies of insurance shall name the State of Hawaii as an additional insured.

The policy should also contain the following clause: "It is agreed that any insurance maintained by the State of Hawaii will apply in excess of, and not contribute with, insurance provided by this policy". The insurance shall cover the entire Wailoa river State Recreation Area, including all grounds, buildings and all roadways or sidewalks on or adjacent to the Wailoa River SRA in the use or control of the Permittee;

4. The permittee shall immediately provide written notice to the Department should any of the insurance policies evidenced on its Certificate of Insurance form be cancelled, limited in scope, or not renewed upon expiration;
5. The Chairperson or her representative is authorized to negotiate all other terms and conditions of the Revocable Permit.

Respectfully submitted,



Curt A. Cottrell
Administrator
Division of State Parks

APPROVED FOR SUBMITTAL:

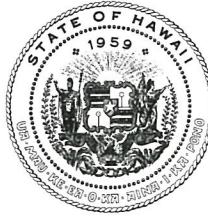


SUZANNE D. CASE
Chairperson
Board of Land and Natural Resources

ATTACHMENTS: Exhibit A – Aerial Map
 Exhibit B – Chapter 343 Exemption Declaration

Exhibit A





STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

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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

DECLARATION OF EXEMPTION

Regarding the preparation of an environmental assessment pursuant to Chapter 343, HRS and Chapter 11-200, HAR

Project Title:	Revocable Permit to Hawai'i Island Art Alliance
Project Number:	TBD
Project Location:	Wailoa River State Recreation Area, Hilo, Hawaii
Chap. 343 Trigger(s):	Use of State Land
Project Description:	Art based exhibits, workshops, classes and fairs.
Consulted Parties:	Land Division and County of Hawaii
Exemption Class & Description:	In accordance with Hawaii Administrative Rule Sections 11-200-8 and the Exemption List for the Department of Land and Natural Resources approved by the Environmental Council and dated June 5, 2015, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 1, Item 51 that states "Permits, licenses, registrations, and rights-of-entry issued by the Department that are routine in nature, involving negligible impacts beyond that previously existing" .
Recommendation:	That the Board finds this project will have no significant effect on the environment and is presumed to be exempt from the preparation of an environmental assessment.