

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

July 10, 2020

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

O'AHU

ISSUANCE OF A MONTH-TO-MONTH REVOCABLE PERMIT TO PRO PARK, INC., FOR PROPERTY/PASSENGER MOTOR CARRIER FOR COMPENSATION MANAGEMENT AT DIAMOND HEAD STATE MONUMENT, KAPAHULU, WAIKIKI, HONOLULU, O'AHU, HAWAI'I, TAX MAP KEY: (1) 3-1-042:006 PORTION.

AND

REQUEST APPROVAL OF DECLARATION OF EXEMPTION FROM CHAPTER 343, HAWAI'I REVISED STATUTES, ENVIRONMENTAL COMPLIANCE REQUIREMENTS FOR THE SUBJECT PROJECT.

APPLICANT:

Pro Park, Inc. (Pro Park), a Hawai'i corporation.

LEGAL REFERENCE:

Hawai'i Revised Statutes (HRS) Section 171-13 and 55 as amended.

LOCATION:

Portion of Government lands of Kapahulu, Waikiki, O'ahu, identified by Tax Map Key: (1) 3-1-042:006 (por.), as shown on the attached map in **Exhibit A**.

AREA:

Five (5) acres, more or less.

ZONING:

State Land Use District: Conservation
County of Honolulu CZO: P-1

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:

Encumbered by Governor's Executive Order 2000 setting aside land for state park purposes to be under the control and management of the State of Hawai'i, Department of Land and Natural Resources, Division of State Parks (DSP) for the Diamond Head State Monument (DHSM).

Currently encumbered under Concession Lease Agreement SP-0543 to Pro Park for entrance fee collection and parking management purposes. Lease expires on December 31, 2023.

CHARACTER OF USE:

For the purpose of managing the Property/Passenger Motor Carriers for Compensation (all Taxis, (whether they are individually, or company owned; registered with the Public Utilities Commission or not) Trolleys, and Rideshare vehicles, etc.).

TERM:

Month-to-Month

COMMENCEMENT DATE:

To be determined by the Chairperson.

MONTHLY RENTAL:

Five hundred and no/100ths dollars (\$500.00)

COLLATERAL SECURITY DEPOSIT:

One thousand and no/100ths dollars (\$1,000.00)

CHAPTER 343 ENVIRONMENTAL ASSESSMENT:

In accordance with Hawai'i Administrative Rules ("HAR") § 11-200.1-15 and the Exemption List for the Department of Land and Natural Resources concurred on by the Environmental Council on March 3, 2020, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 1, "Operations, repairs, or maintenance of existing structures, facilities, equipment, or topographical features, involving negligible or no expansion or change or use beyond that previously existing." Part 1, item 41 that states, "Leases of state land involving

negligible or no expansion or change of use beyond that previously existing.” See **Exhibit B**.

DCCA VERIFICATION:

Place of business registration confirmed: YES

Registered business name confirmed: YES

Applicant in good standing confirmed: YES

REMARKS:

In order to better control taxi cabs and rideshare vehicles at DHSM, DSP is requesting approval of a month-to-month revocable permit (RP) to Pro Park for management purposes of all taxi cabs whether they are individually, or company owned; registered with the Public Utilities Commission or not, trolleys and rideshare vehicles. (Exhibit C – Areas Used)

Taxi compliance has been a longstanding issue at DHSM. Early in 2014, taxis took it upon themselves to park around the drop-off and pick-up area and prohibit other users from accessing the area. Stationary taxis obstructed the drive aisle while in the stripped no parking area.

As a long-term solution, in 2015, Staff directed the construction of a new staging lane adjacent to the no parking area (Exhibit D). In late 2017, the staging lane was opened with formal guidelines (Exhibit E) of behavior provided to the various operators. Throughout the two years, Taxi operators verbally abused and physically threatened both staff and park visitors. In addition, Taxi operators disregarded many of the rules provided by staff. The staging lane continued to operate with varying degrees of compliance until it was formally closed late in 2019 due to an increase number of incidents (Exhibit F).

DSP staff coordinated with the Division of Conservation and Resources Enforcement (DOCARE) to maintain the closed Taxi staging lane located within DHSM. Taxis are no longer allowed to park within the crater. They may drop-off or pick-up passengers that have scheduled a taxi but solicitation for fares within DHSM is not allowed.

ProPark believes it can safely oversee the various taxi, trolley and rideshare operators through its direct management.

The Applicant 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. However, upon approval the applicant would need to be in compliance with all county, state and federal laws and ordinances pertaining to this permit.

DSP is recommending that the Board approve a month-to-month revocable permit (RP) to Pro Park.

RECOMMENDATION: That the Board:

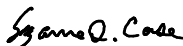
1. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Chapter 11-200.1-15, HAR, this project will probably have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment.
2. Authorize the issuance of the revocable permit to Pro Park, Inc. covering the subject areas for the purposes described herein and under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:
 - A. The standard terms and conditions of the most current revocable permit form, as may be amended from time to time;
 - B. Review and approval by the Department of the Attorney General; and
 - C. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.
3. Authorize the Chairperson to negotiate any other specific terms necessary to effectuate the revocable permit.

Respectfully Submitted,



Curt A. Cottrell, Administrator
Division of State Parks

APPROVED FOR SUBMITTAL:



Suzanne D. Case, Chairperson
Department of Land and Natural Resources

ATTACHMENTS:

- EXHIBIT A: Location
- EXHIBIT B: Declaration of Exemption
- EXHIBIT C: Diamond Head Area Used by Property/Passenger Motor Carriers for Compensation
- EXHIBIT D: No Parking and Staging Area
- EXHIBIT E: Rules for Taxi Staging Area
- EXHIBIT F: Notice – Closure of Taxi Staging Area

EXEMPTION NOTIFICATION

Regarding the preparation of an environmental assessment pursuant to Chapter 343, HRS and Chapter 11-200.1, Hawai'i Administrative Rules.

Project Title:	Issuance of Revocable Permit to Pro Park, Inc.
Project / Reference No.:	SP0470
Project Location:	Portion of Government lands of Kapahulu, Waikiki, O'ahu, identified by Tax Map Key: (1) 3-1-042: portion of 006
Project Description:	Diamond Head State Monument, Kapahulu, Waikiki, Honolulu, O'ahu
Chap. 343 Trigger(s):	Use of State Land
Exemption Class No(s).:	<p>In accordance with Hawai'i Administrative Rule Section 11-200.1-15 and the Exemption List for the Department of Land and Natural Resources reviewed and concurred by the Environmental Council on March 3, 2020, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 1:</p> <p>"Operations, repairs, or maintenance of existing structures, facilities, equipment, or topographical features, involving negligible or no expansion or change of use beyond that previously existing."</p> <p>Part 1, item 41 that states, "Leases of state land involving negligible or no expansion or change of use beyond that previously existing."</p>
Cumulative Impact of Planned Successive Actions in Same Place, Over Time, Significant?	No. The proposed permitted area was used as a property/passenger motor carrier for compensation area to pick up and drop off passengers.
Action May Have Significant Impact on Particularly Sensitive Environment?	No. The proposed permitted area was used as a pick up and drop off area.
Analysis:	The proposed permitted area was developed as a pick up and drop off area.
Consulted Parties:	DLNR - Conservation and Resources Enforcement Office and Public Utilities Commission (P.U.C.)
Declaration	The Board determines, through its judgment and experience, that the action will individually and cumulatively probably have minimal or no significant effects, and that the action is declared exempt from the preparation of an environmental assessment.

Diamond Head State Monument

Legend

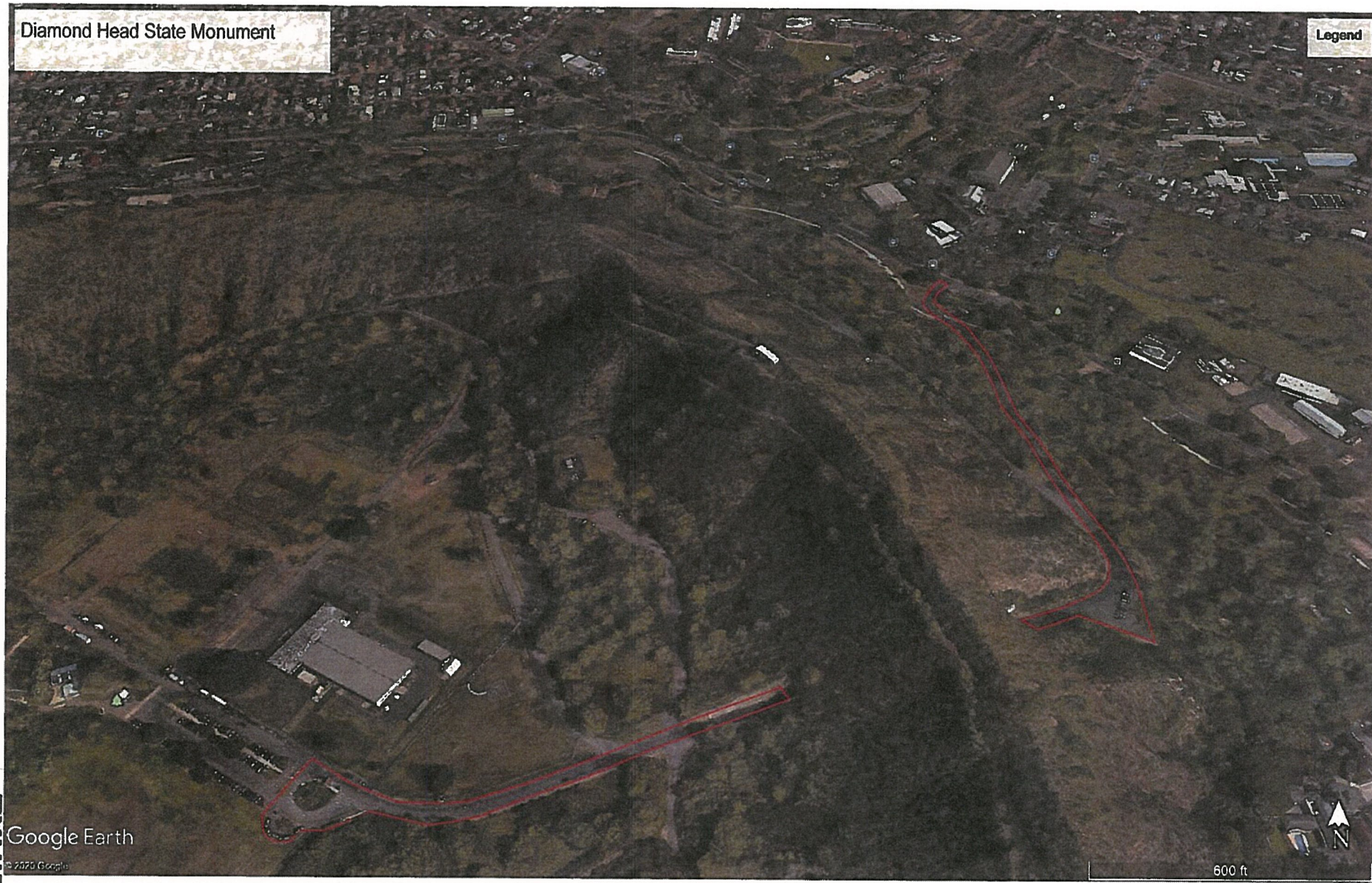


EXHIBIT C



Google Earth

© 2020 Google

EXHIBIT D

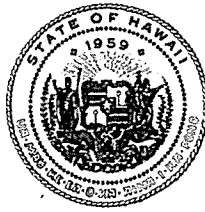
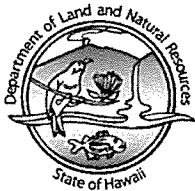
Rules for the Taxi Staging Area

Follow staging area protocols:

1. Stage only in designated taxi staging area. If area is full, no parking/staging anywhere in crater.
2. Line up in order of arrival, first cab at the front, closest to exit. First in, first out.
3. Remain seated in taxi, unless assisting passengers.
4. Accept passengers only when parked in taxi staging area.
5. Do not solicit passengers.
6. Do not smoke, use e-cigarettes, or litter.
7. No taxi cleaning or maintenance in staging area.
8. Observe all posted speed limits in the park.
9. Violation of these rules will result in immediate removal.

Violation will result in immediate removal from taxi staging area.

DAVID Y. IGE
GOVERNOR OF
HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

DIVISION OF STATE PARKS
POST OFFICE BOX 621
HONOLULU, HAWAII 96809

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

ROBERT K. MASUDA
FIRST DEPUTY

M. KALEO MANUEL
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

NOTICE

CLOSURE OF TAXI STAGING AREA IN DIAMOND HEAD STATE MONUMENT (DHSM)

TAXIS WERE PROVIDED THE FOLLOWING PROTOCOLS FOR USE OF THE TAXI STAGING AREA:

1. Stage only in designated taxi staging area. If area is full, no parking/staging anywhere within the crater.
2. Line up in order of arrival, first cab at the front, closest to exit. First in, first out.
3. Remain seated in taxi, unless assisting passengers.
4. Accept passengers only when parked in taxi staging area.
5. Do not solicit passengers.
6. Do not smoke, use e-cigarettes, or litter.
7. No taxi cleaning or maintenance in staging area.
8. Observe all posted speed limits in the park.
9. Violation of these rules will result in immediate removal.

TAXIS IN THE STAGING AREA HAVE BEEN FREQUENTLY OBSERVED ENGAGED IN THE FOLLOWING ACTIONS AND BEHAVIORS THAT VIOLATE THE STAGING AREA PROTOCOLS AND THE SECTIONS CITED BELOW OF CHAPTER 13-146 HAWAII ADMINISTRATIVE RULES (HAR)

1. Threatening and heckling Division of State Park staff and badgering/soliciting park visitors for fares. (**HAR§13-146-16 Disorderly conduct. / HAR§13-146-68 Commercial activities. §13-146-66 Business operations.**)
2. Driving into opposite (egress lane) when coming into park to avoid park traffic near the shelter and exit. (**HAR§13-146-40 Motorized vehicle operation.**)
3. Staying in the DHSM after the 6:00 pm closure. (**HAR§13-146-66 Business operations. §13-146-4 Closing of areas.**)
4. Playing loud music (audio) devices. (**HAR§13-146-16 Disorderly conduct. §13-146-12 Audio devices.**)
5. Driving above the posted speed limit (both in tunnel (5mph) and park roads (10mph)). (**HAR§13-146-40 Motorized vehicle operation.**)

EXHIBIT F

6. Cleaning and servicing taxis in the taxi staging area. (**HAR§13-146-66 Business operations.**)
7. Entering the visitor fee parking area, both on foot and in vehicles. (**HAR§13-146-66 Business operations.**)
8. Urinating/defecating in brush areas adjacent to the taxi area; littering in the taxi staging area with cigarette butts, food containers, food scraps, napkins, and urinating in cups and discarding these around the taxi staging area. (**HAR§13-146-35 Sanitation and Litter.**)
9. Fraternizing with toll booth staff, which interferes with their execution of contracted duties.
10. Using the water spigot in the field (adjacent to the visitor parking lot) for taxi cleaning. (**HAR§13-146-35 Sanitation and Litter.**)
11. Feeding feral cats and birds. (**HAR§13-146-35 Sanitation and Litter.**)
12. Hitting golf balls into the open field adjacent to the taxi staging area. (**HAR§13-146-34 Golfing.**)
13. Smoking cigarettes. (**H.R.S. 328J Smoking.**)
14. Using Segway and skateboards in parking lot and on pathways in congested areas. (**HAR§13-146-16 Disorderly conduct. HAR§13-146-36 Skating; skateboards; bicycling.**)
15. Damaging state property by hitting sign posts and other park features. (**HAR§13-146-32 Public Property.**)

These actions and behavior violate both the staging area protocols and the listed sections of §13-146 HAR and are subject to criminal and civil penalties. As such:

- **The taxi staging area will be closed starting November 20, 2019 until further notice. Taxis are not to park within the crater at Diamond Head State Monument.**
- **Only the drop-off or pick-up of passengers that have previously requested a taxi service will be allowed.**
- **No solicitation for fares in Diamond Head State Monument is allowed.**
- **No parking and waiting for fares in the trolley turn around area is allowed**