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STATE OF HAWAII
DEPARTMENT OF DEFENSE
OFFICE OF THE ADJUTANT GENERAL
3949 DIAMOND HEAD ROAD
HONOLULU, HAWAII 96816-4495

December 30, 2021

TO: Honorable Suzanne D. Case
Chairperson and Member, Board of Land and Natural Resources (BLNR)

FROM: Major General Kenneth S. Hara 
Adjutant General

SUBJECT: Request Consent to Issue a Revocable Permit under Governor's Executive Order No. 3688 to be under the control and management of the Division of State Parks, Department of Land and Natural Resources, State of Hawaii, concurrently and jointly with the "Diamond Head Reservation" s managed under the jurisdiction of the Department of Defense, State of Hawaii

In accordance with Hawai'i Revised Statutes (HRS) §171-11, which requires the approval of the Board of Land and Natural Resources where the use of facilities will exceed 14 days, attached is a request to allow the State Department of Defense (DOD) to issue a Revocable Permit to the American Red Cross – Hawaii State Chapter (ARC) and the City and County of Honolulu, Department of Emergency Management (DEM) for the continued use of Tunnels M4 (ARC) and M5 and Battery Harlow Tunnels 1, 2, 3, and 4 (DEM), at the Diamond Head Reservation for a one (1) year term, on a month to month basis, renewable annually. Both the ARC and DEM use the tunnels in support of our community.

The State of Hawaii, DOD is a community-based organization. Therefore, the DOD's intent is to lend out facilities, in compliance with Hawaii Revised Statutes and DOD requirements, on a non-interference basis, to qualified entities within the community. The roles of the ARC and DEM are to assist the community when natural or man-caused disasters threaten or occur anywhere in the State of Hawaii. Therefore, the DOD is in support of the ARC's and DEM's request to continue the use of Tunnels M4 and M5 and Battery Harlow Tunnels 1-4, at the Diamond Head Reservation.

Since the tunnels will incur utility costs and require occasional repairs, the DOD will reserve the right to assess the ARC and DEM a monthly, nominal fee, to cover such utility costs. The DOD will also reserve the right to assess the ARC and DEM for the costs of any required repairs affecting their tunnels.

Per HRS §171-55, we would like the option to renew annually for a maximum period of five (5) years.

Your favorable support and placement of the request on the next Land Board meeting agenda is appreciated.

Should there be any questions, please contact CPT Shaoyu L. Lee, Chief Engineering Officer at (808) 369-3567 (email: shaoyu.l.lee@hawaii.gov).

Attachments

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Land Division
Honolulu, Hawaii 96813

December 30, 2021

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

OAHU

Consent to Issue Revocable Permits under Governor's Executive Order No. 3688, Honolulu, Oahu,
TMK (1) 3-1-042:006.

CONTROLLING AGENCY (of subject executive order):

State of Hawaii Department of Defense

APPLICANT(S):

American Red Cross – Hawai'i State Chapter, a Hawaii non-profit corporation ("ARC")

City and County of Honolulu, Department of Emergency Management ("DEM")
650 South King Street, Honolulu, HI 96813.

LEGAL REFERENCE:

Section 171-11, Hawai'i Revised Statutes, as amended.
Section 121-19, Hawai'i Revised Statutes, as amended.
Section 171-55, Hawai'i Revised Statutes, as amended.

LOCATION AND TAX MAP KEY:

M4 Tunnel – ARC inside Diamond Head Reservation as shown on **EXHIBIT A**.

M5 Tunnel and Battery Harlow (Tunnels 1, 2, 3 and 4 and surrounding courtyards) – DEM on map
attached as **EXHIBIT A**.

AREA:

See **EXHIBIT A**. Exact area not available.

ZONING:

State Land Use District: Conservation
City and County of Honolulu Land Use Ordinance: P-1

TRUST LAND STATUS:

Section 5 (b) lands of Hawai'i Admissions Act.
DHHL 30% entitlement lands pursuant to Hawai'i State Constitution: No.

CURRENT STATUS:

Land presently encumbered by Governor's Executive Order No. 1997 dated April 19, 1962, and Executive Order No. 3688 dated May 3, 1996, setting aside the land to be under the control and management of the Division of State Parks, Department of Land and Natural Resources, State of Hawaii, concurrently and jointly with the "Diamond Head Reservation" s managed under the jurisdiction of the Department of Defense, State of Hawaii.

CHARACTER OF USE:

The M4 Tunnel will continue to be used by ARC to store critical supplies and equipment in case critical mass care supplies are needed for disasters in Hawaii.

The M5 tunnel and Battery Harlow tunnels 1-4, will continue to be used by DEM in the operation and management of their public safety mission; keeping residents and visitors on the island of Oahu safe and prepared.

TERM:

One (1) year term on a month-to-month basis, renewable annually.

COMMENCEMENT DATE:

To be determined by the Adjutant General.

RENT:

To be determined after repairs to transformer(s) providing electrical power to the tunnels have been completed.

CHAPTER 343, HRS – ENVIRONMENTAL ASSESSMENT:

In accordance with Hawaii Administrative Rules ("HAR") § 11-200-8 and the Exemption List for the Department of Defense dated October 25, 2018, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class # 1, "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," Part 1, item No. 30, which states the "Non-construction activities in support of other agencies/organizations involving community participation projects and law enforcement activities".

DCCA VERIFICATION:

Place of business registration confirmed: N/A

Registered business name confirmed: N/A
Applicant in good standing confirmed: N/A

REMARKS:

Both applicants provide disaster relief after devastating events. In order to do so, they must store and stage large amounts of supplies and equipment.

Therefore, the DOD is willing to allow both applicants the said use of respective tunnels and areas inside Diamond Head Crater on a “non interference” basis, for this purpose only, until such time that both applicants can secure the necessary funding and land to construct a new storage facility.

RECOMMENDATION: That the Board:

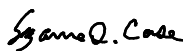
- A. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Chapter 11-200, HAR, this project will probably have minimal impact or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment.
- B. Consent to the issue of Memoranda of Agreement between the Department of Defense and both applicants for the use of tunnels per locations noted subject to any applicable conditions cited above which are by this reference incorporated herein and further subject to the following:
 1. Review and approval by the Department of the Attorney General; and
 2. Such other terms and conditions as may be prescribed by the Adjutant General to best serve the interests of the State.

Respectfully submitted,



Kenneth S. Hara
Major General
Adjutant General

APPROVED FOR SUBMITTAL



Suzanne D. Case, Chairperson



(1) 3-1-042: portions of 006

EXHIBIT A