

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

February 14, 2014

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

OAHU

Consent to Issuance of Right-of-Entry Permit by the Department of Defense to Faith First, Inc. dba Extreme Fitness Club for the Use of Department of Defense Facilities for the Youth Sports Volleyball Program Purposes over Portions of Lands under Governor's Executive Order No. 1997, Honolulu, Oahu, Tax Map Key (1) 3-1-042:portion of 010.

CONTROLLING AGENCY (of subject executive order):

Department of Defense (DOD)

APPLICANT (requesting permit):

Faith First, Inc., a domestic nonprofit corporation, dba Extreme Fitness Club

LEGAL REFERENCE:

Section 171-11 and 55, Hawaii Revised Statutes, as amended.

ZONING:

State Land Use District: Urban  
City and County of Honolulu LUO: R-10

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:

Land presently encumbered under Governor's Executive Order No. 1997 setting aside the land to the Department of Defense for Diamond Head Reservation Purposes.

**RIGHT-OF-ENTRY PERMIT TERMS & CONDITIONS:**

**LOCATION:**

Department of Defense Building 300 gymnasium, assembly hall, restroom facilities, and adjacent paved parking lots located at 4087 Diamond Head Road, Honolulu, Oahu, identified by Tax Map Key: (1) 3-1-042:portion of 010, as shown on **Exhibit A**.

**AREA:**

Gymnasium/Assembly Hall Area: 9,000 square feet; and  
Restroom Facilities: 760 square feet, more or less.

**CHARACTER OF USE:**

For the purpose of conducting a youth sports volleyball program

**TERM:**

Not to exceed 90 days.

**RENT AMOUNT:**

Rent will be assessed as described below to reimburse the DOD for utility, staff, and maintenance/repair costs.

Gymnasium and restroom	\$40.00/hour
Parking	\$25.00/day
Custodial services	\$30.00/hour

**CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:**

In accordance with Hawaii Administrative Rule Section 11-200-8(a)(1), the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 1, that states "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." See **Exhibit B**.

**DCCA VERIFICATION:**

Place of business registration confirmed:	YES <u>  x  </u>	NO <u>  </u>
Registered business name confirmed:	YES <u>  x  </u>	NO <u>  </u>
Applicant in good standing confirmed:	YES <u>  x  </u>	NO <u>  </u>

REMARKS:

DOD is willing to allow the applicant to use the facilities as described above on a “non-interference” basis. A copy of DOD’s request is attached as **Exhibit C**. Staff recommends the Board consent to the issuance of the requested right-of-entry described above.

RECOMMENDATION: That the Board

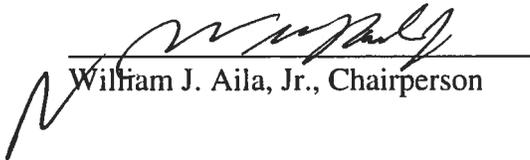
- A. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Chapter 11-200, HAR, this project will probably have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment; and
- B. Consent to the right-of-entry permit issued by the Department of Defense to Faith First, Inc. dba Extreme Fitness Club, subject to any applicable terms and conditions cited above.

Respectfully Submitted,

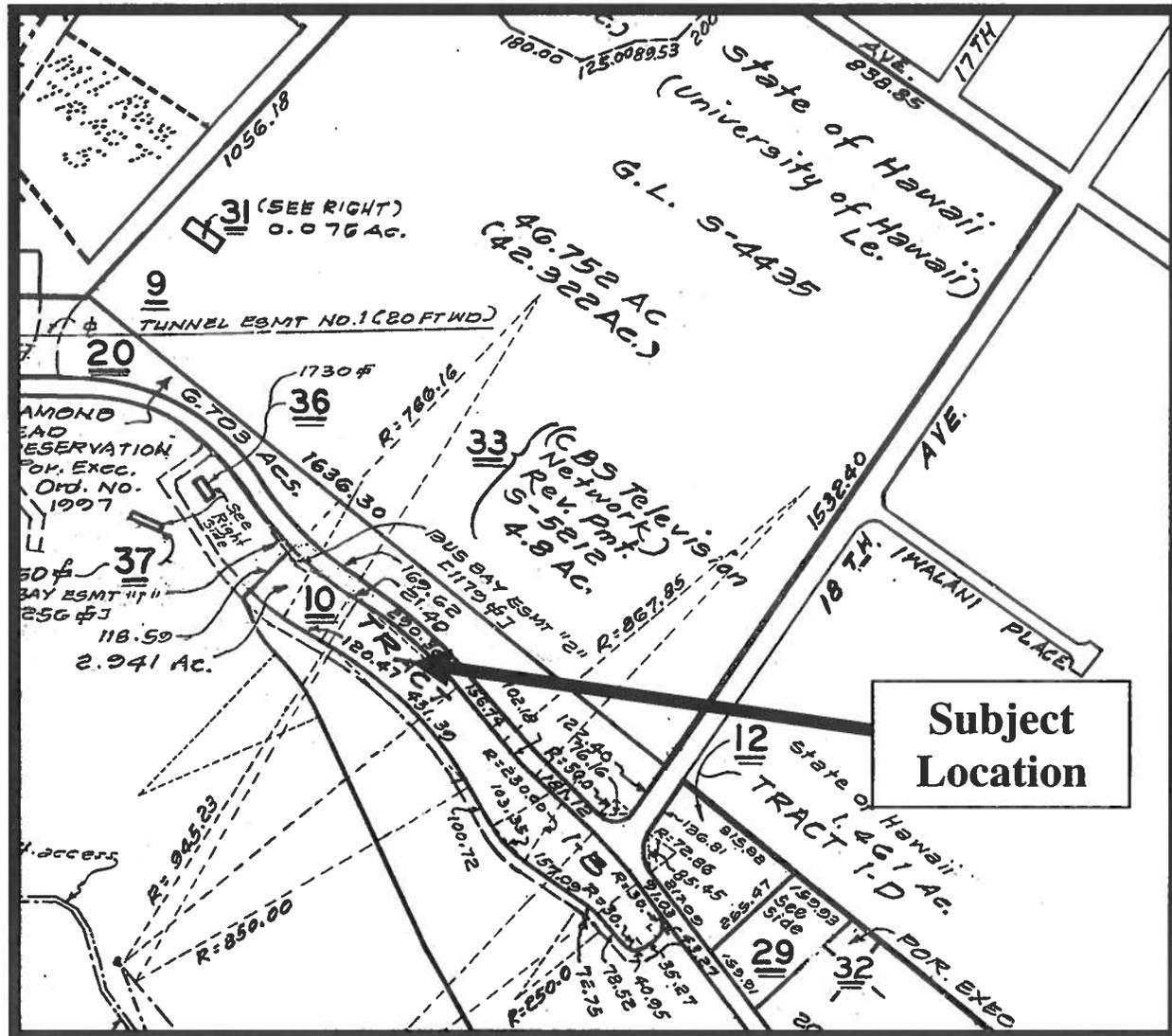


Barry Cheung  
District Land Agent

APPROVED FOR SUBMITTAL:



William J. Aila, Jr., Chairperson



TMK (1) 3-1-042:portion of 010

# EXHIBIT A

**EXEMPTION NOTIFICATION**

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

Project Title: Consent to Issuance of Right-of-Entry Permit

Project / Reference No.: EO 1997

Project Location: Honolulu, Oahu, Tax Map Key (1) 3-1-042:portion of 010.

Project Description: For the purpose of conducting a youth sports volleyball program

Chap. 343 Trigger(s): Use of State Land

Exemption Class No.: In accordance with Hawaii Administrative Rule Section 11-200-8(a)(1), the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 1, that states "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"

The proposed permit pertains to the use of the existing facilities on a noninterference basis with the Department of Defense activities. As such, staff believes that the request would involve negligible or no expansion or change in use of the subject area beyond that previously existing.

Consulted Parties Not applicable

Recommendation: That the Board find this project will probably have minimal or no significant effect on the environment and is presumed to be exempt from the preparation of an environmental assessment.

  
 \_\_\_\_\_  
 William J. Aila, Jr., Chairperson

*1/30/14*  
 \_\_\_\_\_  
 Date

**EXHIBIT B**

NEIL ABERCROMBIE  
GOVERNOR



DARRYLL D. M. WONG  
MAJOR GENERAL  
ADJUTANT GENERAL

JOSEPH K. KIM  
BRIGADIER GENERAL  
DEPUTY ADJUTANT GENERAL

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

January 21, 2014

TO: Honorable William J. Aila, Jr.  
Chairperson and Member, Board of Land and Natural Resources

FROM: Major General Darryll D. M. Wong  
Adjutant General, Hawai'i National Guard 

SUBJECT: Request for permission to issue a Right-of-Entry Permit to Faith First, Inc. dba Extreme Fitness Club, for the use of Department of Defense, Building 300 gymnasium, restroom facilities and adjacent paved parking lots, located at 4087 Diamond Head Road, Honolulu, Oahu TMK (1) 3-1-042:portion of 010

In accordance with §171-11 Hawai'i Revised Statutes, 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 Department of Defense to issue a Right-of-Entry Permit to Faith First, Inc. dba Extreme Fitness Club, for a period not to exceed 90-days, to use Building 300 and adjacent parking lots, for the purpose of conducting a youth sports volleyball program.

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

Should there be any questions, please contact Lloyd Maki, Acting Chief Engineering Officer at 733-8441 (e-mail: [lmaki@dod.hawaii.gov](mailto:lmaki@dod.hawaii.gov)).

Attachment

RECEIVED  
LAND DIVISION  
2014 JAN 28 AM 9:24  
DEPT. OF LAND &  
NATURAL RESOURCES  
STATE OF HAWAII

EXHIBIT "C"

NEIL ABERCROMBIE  
GOVERNOR



DARRYLL D. M. WONG  
MAJOR GENERAL  
ADJUTANT GENERAL

JOSEPH K. KIM  
BRIGADIER GENERAL  
DEPUTY ADJUTANT GENERAL

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

January 21, 2014

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

OAHU

Issuance of a Right-of-Entry Permit to Faith First, Inc. dba Extreme Fitness Club, for the use of Department of Defense Building 300 gymnasium, restroom facilities and adjacent paved parking lots, located at 4087 Diamond Head Road, Honolulu, Oahu TMK (1) 3-1-042:portion of 010

**LEGAL REFERENCE:**

Section 171-11 and 55, Hawai'i Revised Statutes.

**APPLICANT / LESSEE:**

Faith First, Inc. dba Extreme Fitness Club, a public non-profit organization, whose business address is P.O. Box 37035, Honolulu, Hawai'i 96837.

**LOCATION AND TAX MAP KEY:**

Building 300, 4087 Diamond Head Road, Honolulu, Island of Oahu, identified by Tax Map Key: 1<sup>st</sup> Division, 3-1-042: 040.

**AREA:**

Gymnasium/Assembly Hall Area: Approx. 9,000 square feet  
Restroom Facilities: Approx. 760 square feet

**ZONING:**

State Land Use District:	Urban District
City & County of Honolulu:	R-10 Residential District
Special District:	Diamond Head Special Design District

**LAND TITLE STATUS:**

Section 5(b) lands of the Hawaii Admission Act, i.e. ceded land

DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: No

**CURRENT USE STATUS:**

Land presently encumbered by Governor's Executive Order No. 1997, setting aside the land to the Department of Defense for Diamond Head Reservation.

**CHARACTER OF USE:**

For the purpose of conducting a youth sports volleyball program.

**TERM:**

Not to exceed 90-days. Refer to the attached schedule of use.

**COMMENCEMENT DATE:**

To be determined by the Adjutant General.

**RENT:**

Rent will be assessed in accordance with the following rate schedule to reimburse the DOD for utility, staff and maintenance/repairs:

Gymnasium and Restrooms:	\$40.00/hour
Parking:	\$25.00/day
Custodial Services:	\$30.00/hour

**CHAPTER 343, HRS – ENVIRONMENTAL ASSESSMENT:**

Pursuant to Section 11-200-8(a), Environmental Impact Statement Rules of the Department of Health, State of Hawai'i, this disposition is exempt from requirements regarding preparation of an environmental assessment, negative declaration, or environmental impact statement as required by Chapter 343, Hawai'i Revised Statutes, as amended, relating to Environmental Assessments, because the proposed action falls within 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.), Comprehensive Exemption List for the Department of Defense, dated August 9, 2013, as approved by the Environmental Quality Control Council.

**DCCA VERIFICATION:**

Place of business registration confirmed:	YES
Registered business name confirmed:	YES
Applicant in good standing confirmed:	YES

**REMARKS:**

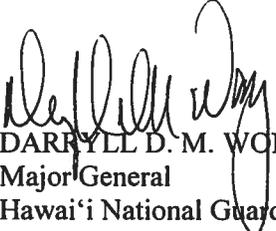
The DOD is willing to allow Faith First, Inc. dba Extreme Fitness Club to use of said property on a "non-interference" basis, for this purpose only.

**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 or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment.
- B. Consent to the right-of-entry permit between the Department of Defense and Faith First, Inc. dba Extreme Fitness Club, 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.

Should you have any questions or concerns, please have your staff contact Mr. Lloyd Maki, our Acting Chief Engineering Officer at (808) 733-4250.

Sincerely,



DARRYLL D. M. WONG  
Major General  
Hawai'i National Guard  
Adjutant General

APPROVED FOR SUBMITTAL:

WILLIAM J. AILA, JR.  
Chairperson and Member