

SB-709

LATE TESTIMONY

DLNR Vendor #336848

FROM LI COBIAN



AAC Asbestos Analytical & Consultants
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808-349-7717
Mr. Li Cobian

In support of the BLNR's decision to solicit for potential new management of the Kahuku Motocross Track to take over the existing RP No. 7570 through a RFP (Request for Proposal) target date December 2016, the following shows the current condition of Equipment rendered derelict and in a junk state with zero maintenance and management by the current Permittee HMA, (Hawaii Motorsports Association) holder of RP No. 7570. The following equipment was provided and assisted to the current Permittee (HMA) through State & Federal RTP Funds by DLNR's DOFAW .

**Abandonment of State Supported and Sponsored Equipment
at Kahuku Motocross Track**

Email from Elizabeth Fisher of USDOT FHWA Hawai'i referring equipment as a "mess" and inquiring which of the abandoned equipment is paid through Federal RTP funds.

On Dec 2, 2016, at 12:42 PM, Fischer, Elizabeth (FHWA) <Elizabeth.Fischer@dot.gov> wrote:

Li, Thanks for the heads up to what's happened. Yes, you are passionate about getting the right thing done for ATV use and that passion may ruffle less assertive feathers.

Aaron, from the federal RTP oversight perspective what RTP funds have been applied to the referenced equipment since day one? My presumption is that all this mess by HMA occurred before your time in the hot seat. Whilst there's not a rush to address this before the end of the CY - we will need to talk story about it in the new year depending on your internal findings.

Aloha Friday y'all!

Liz

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Ho'okahi ka'ilau like ana

WATER PUMPS- Intent Use for dust control and track surface maintenance.

Pump #1 - Status Non Functional ,No Maintenance, abandoned . No Use.



Pump #2 - Status Non Functional ,No Maintenance, abandoned . No Use.

Onsite inspection of Hawaii Motorsport Association on 05/12/2016



Signs by non functional water pump



Non functional water pump at entrance

(Above 2 Photos from Land Division inspection of May 12, 2016)

WATER TRUCKS

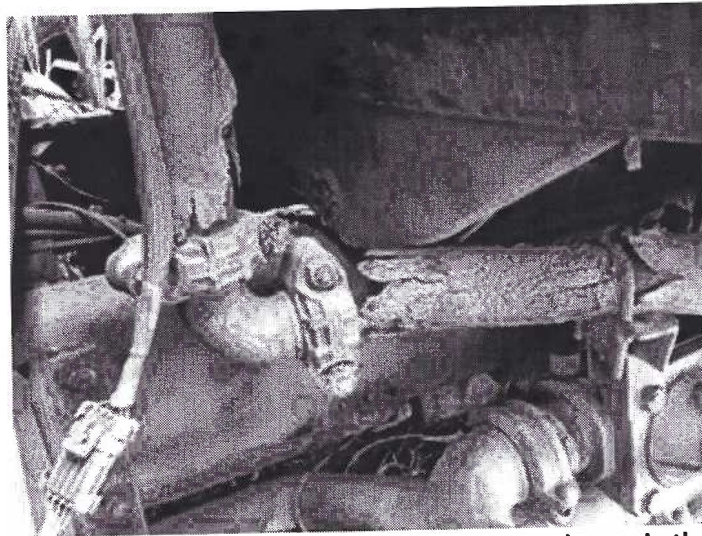
The following Water Trucks with support of DOFAW have been abandoned with zero maintenance, use and have been deemed derelict in a junk state, beyond repair.

Water Truck #1



Truck was abandoned after a broken leaf spring, (minor repair \$ 1,000.00) and left to junk.

Water Truck #2



Left Abandoned after minor issue needed to replace a primer plunger in the Fuel Injection Pump (minor repair \$500.00) but left abandoned to a junk state and most likely un repairable at this point. Plumbing pump piping system has rusted to a powdered rust state.

RESERVE WATER TANKS

There are THREE large Industrial capacity water Tanks, 2 mobile as shown in photo below and a 5,000 gallon Constructed Steel Tank (photo not available).



Two Mobile Water Tanks purchased by DOFOW for \$8,000.00 . These tanks have NEVER been used by the current permittee. Once delivered and parked, they have never been touched.

Photo's of the other Water tanks are not available, and were not taken due to possible retaliation from HMA for taking photo's of abandoned equipment.

Current permitte HMA has NO maintenance schedule for State Supported equipment. DLNR also pays for water for Dust Suppression and Track Maintenance in which all equipment , pumps, Water Trucks & Tanks, and Irrigation Supply lines have been abandoned by the Permittee.

The use of water is a vital component in the safety of off road Motorcycle Recreation Tracks, and surface preparation of the race track..

The following is a section from current Law Suit Document by park user/rider and member Mr. Li Cobian requesting the current Permittee HMA be replaced by a more efficient management entity.

**MINUTES FOR THE
MEETING OF THE
BOARD OF LAND OF NATURAL RESOURCES**

DATE: THURSDAY AUGUST 26, 2016
TIME: 9:00 A.M.
PLACE: KALANIMOKU BUILDING
LAND BOARD CONFERENCE ROOM 132
1151 PUNCHBOWL STREET
HONOLULU, HAWAII 96813

Chair Suzanne Case called the meeting of the Board of Land and Natural Resources to order at 9:01 a.m. The following were in attendance:

MEMBERS

Suzanne Case
Thomas Oi
Stanley Roehrig
Sam "Olu" Gon

James Gomes
Chris Yuen
Keone Downing

STAFF

Kevin Yim-DOBOR
Daniel Ornellas/LAND
Bruce Anderson/DAR
Erin Zanre-DAR
Curt Cottrell/PARKS
Barry Cheung-LAND

Russell Tsuji-LAND
Sam Lemmo-OCCL
Luna Kekoa-DOCARE
David Sakoda-DAR
David Smith/DOFAW

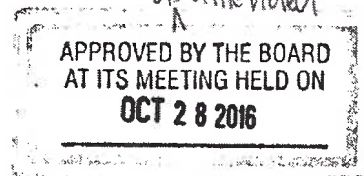
OTHERS

Julie China/Deputy AG
Dan Morris/J-1
Luana Froiseth/ D-7
Christy Gusman/D-5
Cord Anderson/ D-3
Ross Smith/DOT-AIR
Kawika Winter/F-1
Dave Day/D-11

Ulalia Woodside
Eric Leong/DOT-HAR
Kyle Kimo Gusman/D-5
Kevin Herring/D-3
Chris Kramer/D-9
Ken Church/K-1
Li Cobian/D-11

Chair Case thanked former Board Member Ulalia Woodside for serving on the Land Board with a lei.

Woodside welcomed Board Member Sam "Olu" Gon to the Land Board.



Chair Case stated that this was the challenge, they didn't want to lose income, but they also didn't want to ignore something that hasn't been updated in 17 years.

Member Yuen asked if there was another reason for the Polo Club. Cheung said the RP 7561 and suggested maybe revisiting this. He understood this area was subject to flooding, he also suggested extending a nonprofit lease to this Polo Club. Member Yuen didn't have a problem with it, he just wanted a better explanation of why it's under an RP and if it's been with this club for a long time then we do a direct lease for a nonprofit.

Li Cobian testified regarding Hawaii Motorsports Association as a managing entity for the Kahuku Motor Cross Track. He has been a park member for about 25 years and asked the Board to consider postponing the renewal until they have more time to go over the complaint that he filed. He made it clear that he did not want to shut down this park, his intent was to fix some severe problems with the management. Cobian said he was brought into this about 1.5 years ago and they wanted help with the RTP funds. There was so much violence, cash being controlled and violence with the management. He said helped link them up with "Aaron" who was able to get them about \$80,000 in support for fuel, water, trash. Usually they spend about 75 gallons a month in fuel. After "Aaron" got them fuel, they went through about 300 gallons in about 2.5 weeks. Cobian questioned it. The water truck that he brought up there, they vandalized and told him to get out. Cobian said he loved that park, his heart is there. His problem was with HMA. He didn't put HMA in the lawsuit, his suit/request was for the Board and the Land Division to look at his complaint. Cobian said he was the only one with the background and resources to help the park in that way; everyone else is scared. He again asked the Board to please look into the complaints.

Dave Day the Attorney representing DLNR in the federal lawsuit was present to answer any questions.

David Smith, Administrator for the Division of Forestry and Wildlife-DOFAW said he met Mr. Cobian, HMA, and the Army. They have some concerns about how it was being managed; it had nothing to do with Mr. Cobian's complaint. Smith explained that the use of this area arose in the 70's and 80's, there were lots of problems with motor cross trespassing on the State forest reserve lands. As a way to help resolve that, they wanted to get a motor cross area which is why the park was opened. Since then, there have been no problems since that time with people riding in forest reserves. DOFAW looks at this Motor Cross Park as a resource protection type of thing.

Smith said that before Cobian there was no other interest in this. It's hard to get vendors to drive up and help maintain the site. Smith asked around and no one else has had a problem with the park. Since Cobian is having issues with the park, they are going to revisit and go out with an RFP and tighten up the use and rules of how the park is managed. Mr. Cobian has a bunch of

other concerns that will be addressed in the RFP as precautionary measures. Smith said he met with the folks that managed it, but didn't get any red flags. They don't want to shut down the park, but would like to renew the RP for now then come back at the beginning of December to go out with an RFP to help manage the park, update it, and look at the costs of the annual rent.

Member Yuen asked if they would still be going out with the RP after the RFP. Smith said yes, it's an unusual lease to the army, then there's an RP on top of that to use it when the Army's not using it. Then the Army has issues unrelated to the park. They would really to bring in someone who makes these motor cross parks and make a flow trail. He said that it was an important component to be in terms of being compliant with the federal grant.

Smith committed to coming back to the Board the first meeting in December to present an RFP that the Board to look at. Smith said they could renew it for a year, but if they can get someone else in or renew their permit, or they get another vendor, they could cancel them in 30 days and start up with a new vendor.

Member Downing asked if they were up to date with rent, and insurance was compliant. Smith confirmed that they were compliant and said he never had a problem with them.

Tsuji reviewed the amendments made by the Board:

- (a) Amended the D-11 Submittal to remove "RP 7851 [page 17 on Exhibit 2], Jacob Kaleo Hines, permittee, from being renewed due to lack of the required liability insurance;
- (b) Amended the D-11 Submittal by noting that DLNR recently has been named in a lawsuit seeking, among other things, the termination of "RP7570 [page 9 on Exhibit 2], issued to the Hawaii Motorsports Association, Inc., but the permittee itself, the Hawaii Motorsport Association is not named in the lawsuit; as such, staff is not recommending any immediate action to terminate the RP at this time, pending the litigation or resolution of the lawsuit; and
- (c) Amended the D-11 Submittal by noting in the column that RP 7514 to United Laundry was not being used for parking purposes, but for related laundry purposes.

Member Yuen made a motion to approve as amended. He noted that there were a number of comments made by Board members, but those are not included in the motion.

Unanimously approved as amended (Gomes, Gon)