

State Of Hawai'i
DEPARTMENT OF LAND AND NATURAL RESOURCES
Division of State Parks
Honolulu, Hawai'i
February 8, 2013

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

SUBJECT: Request for a Special Use Permit from Wendy Wagoner and Ola Sims to Hold a Fund-raiser for their Niece, Addie Sims, at Wailoa River State Recreation Area Pavilion Nos. 2, 3 and Portions of the Surrounding Areas, Hilo, Hawai'i

The Board has previously authorized fund-raisers at the Wailoa River State Recreation Area in Hilo, Hawai'i.

Ms. Wagoner and Ms. Sims are requesting the use of the Pavilion Nos. 2 and 3 and portions of the Wailoa River State Recreation Area (Event Site) to hold a fund-raiser for Addie Sims, their niece, to help off-set medical bills relating to surgery and other medical expenses as a result of being born at 22 weeks and medical problems associated with her premature birth. The fund-raiser is to be held on May 11, 2013. (Exhibits A & B).

As explained in their request, "My (our) niece is 9 years old and she was born at 22 weeks old. So consequently she was born with a multitude of problems. One of which is a severe seizure disorder. She has at least 30-40 plus seizures daily. Because of this her brain is not developing. Her body is, but if her brain can't keep up she will die."

They go on to explain that the doctors will attempt to map out her brain and scoop out the "hot spots" that are causing the seizures. It is hoped that this process will stop the seizures and her brain can develop to keep up with her body's development.

A letter from Dr. Tamara Todd, MD fro the Hilo Medical Center states that, "Addie was born at 22.5 weeks gestation, which is extremely premature. She lived in the neonatal intensive care unit for the first 8 months of her life where she had multiple complications related to her prematurity including heart attacks, difficulty breathing, and removal of part of her liver.

She has also developed a seizure disorder which has been difficult to control despite being on three different seizure medications. Addie is being referred to Primary Children's Hospital in Utah for further evaluation of her seizure disorder and will possibly receive some new treatments that are not available in Hawaii but could potentially help with controlling her seizures." (Exhibit C).

Addie's aunts would like to be allowed to have a craft, food and music fair at the Wailoa River State Recreation Pavilion No. 2 and surrounding areas around the pavilion. They are planning to have food vendors, craft vendors and musicians for the event. They would also like to hold a silent auction and have a dress-up area for the children to dress as princesses and princes.

The schedule for the Event would be a set-up from 8:30 a.m. on May 11, 2013, with the actual Event beginning at 4:00 p.m. and ending by 11:00 p.m.

The proposed Event will provide an opportunity for Addie Sims' family to defray some of the medical bills.

This event will have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment under Chapter 343, Hawai'i Revised Statutes (HRS) and Chapter 11-200, Hawai'i Administrative Rules (HAR). This action falls within Exemption Class 1 under §11-200-8(a)(1), HAR and within Exemption Class 1, Number 5 of the State Parks Exemption List which exempts operations involving negligible or no expansion or change of use beyond that previously existed within park boundaries [February 5, 1976].

RECOMMENDATION:

That the Board approve the issuance of a Special Use Permit to Ms. Wendy Wagoner and Ms. Ola Sims to hold their fund-raiser for Addie Sims at the Wailoa River State Recreation Area Pavilion Nos. 2 and 3 and portions of the Wailoa River State Recreation Area (Event Site) in accordance with the representations above-mentioned and subject to the following conditions whereby the Permittee shall:

1. be allowed to operate food concession booths, vendor sales booths, accept donations and/or operate sales booths of Event-related merchandise for the duration of the Special User Permit, provided, the sale of alcoholic beverages is prohibited;

2. be allowed to set up to eleven (11) booths for food vendors and thirty (30) craft vendors as shown on map marked Exhibit D, surrounding Pavilion No. 2. These booths shall be no larger than 10' x 10' in size;
3. provide supplies (i.e. toilet paper, soap, etc.) in the restrooms as needed, and shall monitor and clean the restroom on an hourly basis during the hours of the Event;
4. be responsible for clean up of the Event Site and spillover areas during the permit period and for the final clean up at the conclusion of the Event to the satisfaction of the department. The clean up shall include the disposal at an authorized sanitary landfill of all waste and rubbish generated during the Event;
5. provide and hire security which shall include at least one (1) Special duty DLNR Conservation and Resources Enforcement Officer (CREO). The purpose of the DLNR CREO is to make sure that the terms of the permit are followed and are not responsible to provide enforcement or security for the event. Such DLNR CREO shall be present at the Event Site during all hours of operation. Other security personnel, whose purpose is to maintain security during the event, may include special duty Hawaii County Police Officer(s) and/or other **uniformed** security personnel, etc. which shall be present at the Event Site during all hours of operation of the Event. Security must understand that they must allow the public to utilize the restrooms that are located between Pavilions 2 and 3. Safety is the utmost concern and security's purpose is to maintain a safe non-hostile environment. Included in the security force will be uniformed Hawai'i Police Officers;
6. obtain all necessary County of Hawai'i and State of Hawai'i permits;
7. provide security against serving and consumption of alcoholic beverages and use of illegal drugs;
8. waive any and all claims they may have against the State of Hawai'i and its respective officers, agents and employees, and agrees to defend, hold harmless and indemnify the State of Hawai'i and its respective officers, agents and employees from any suits, actions and claims arising out of and in any way connected with the activities permitted under the permit;
9. procure and maintain, at its own cost and expense, in full force and effect throughout the term of this Special Use permit, commercial general liability insurance, in an amount of at least \$1,000,000.00 for each occurrence and

- 2,000,000.00 aggregate, with an insurance company or companies licensed to do business in the State of Hawai'i. The policy or policies of insurance shall name the State of Hawai'i as an additional insured. The insurance shall cover the entire Event Site, including all grounds and all roadways or sidewalks on or adjacent to the Event Site in the use or control of the Permittee. The insurance policy must contain the following clause: "It is agreed that any insurance maintained by the State of Hawai'i will apply in excess of, and not contribute with, insurance provided by this policy.";
10. operate food concession booths in compliance with all applicable State Department of Health rules and regulations and the Fire Code of the County of Hawai'i;
 11. not obstruct or unreasonably interfere with the general public in their normal use of the Wailoa River State Recreation Area;
 12. not be permitted to bring pets or animals into the park except service animals performing service duties;
 13. comply with any other conditions that may be imposed by the Department, the Board of Land and Natural Resources, the Chairperson and/or rule revisions adopted prior to the commencement of the Event.
 14. request that similar requests of this nature may be approved by the Chairperson.

Respectfully submitted,



Daniel S. Quinn
State Parks Administrator

APPROVED FOR SUBMITTAL:



WILLIAM J. AILA JR., Chairperson

Attachments:

Exhibit A: Letter from Wendy Wagoner and Ola Sims

Exhibit B: Letter from Wendy Wagoner and Ola Sims

Exhibit C: Correspondence from Tamara Todd, MD, Hilo Medical Center

Exhibit D: Diagram/chart of Wailoa River SRA, Pavilion Nos. 2-3

12-764

State Parks and Recreation,

Our names are Wendy Wagoner and Ola Sims. We are from Keaukaha. We are writing to ask for your kokua in helping us with my niece.

My niece is 9 years old and she was born at 22 weeks old. So consequently she was born with a multitude of problems. One of which is a severe seizure disorder. She has at least 30-40 plus seizures daily. Because of this her brain is not developing. Her body is, but if her brain can't keep up she will die.

The doctors have a surgery where they can map her brain and scoop out the hot spots that are causing the seizures. This will stop the seizures and then her brain can develop to keep up with her body. This is great! We are excited by this surgery, but we have to take her to Salt Lake City, Utah, to Primary Childrens Hospital for this surgery. We will be taking her next month, but the medical bills that we are looking at, after her insurance has capped is horrendous.

We would like to do a craft, food, and music fair at the Wailoa State Park on May 11, 2013. We are planning on having food vendors, craft vendors and musicians there for this event. We will also be having a silent auction and dress up area for the children to dress up as princesses and princes. We are also having security there provided by the Koa Puna bike club.

EXHIBIT A

2012
STATE PARKS
LO, HI
18 P 3:46
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This is our last chance for my niece to be able to have a chance at life. Please consider our request with the love and aloha in which we feel for her. We hope that you will find it in your hearts to allow us to continue on in this venture of helping her. Thank you for your time and consideration.

Aloha,

Wendy Wagoner

Wendy Wagoner 808-756-6521

Ola Sims

Ola Sims

808-348-2902

12-377

Wendy Wagoner
(808)756-6521
162 Kauhane Ave
Hilo, Hi 96720

RECEIVED
2012 NOV 19 A 9:56

Ola Sims
(808) 348-2902
430 Kupuohi Pl.
Hilo, Hi 96720

Aloha,

IV OF STATE PARKS
HILO, HI

We are writing to you because we are requesting the privilege of using Wailoa Park for a very important fundraiser. I (Ola) and my sister (Wendy) are trying to raise the money to pay for my little girls brain surgery.

Addie was adopted when she was 7 months old. She was born at 22 weeks and weighted only 1lb 4 oz and was just 11 inches long. Today she is 9 years old. She is a little fighter. She lost her sight because the doctors said she would never live, So they didn't keep her eyes lasered and her retina's detached so she is completely blind. She has had 5 heart attacks and has fought her way back. She has a seizure disorder that ony about three percent of people who have seizures, has. She has failed her meds three times now and as a last resort we have to take her to Salt Lake City Utah, to Primary Childrens Hospital for what is called Brain Mapping. They will do a brain MRI and find the hotspots in her brain that fire off the seizures and scoop them out. The hope is that her brain will rewire itself and she will be able to be taken off the meds that keep her almost coma like. And hopfully, she will be able to talk. At this point in her life she can't do anything for herself. She is completely dependent on her family for all her needs.

We know that her insurance will cap out and we will be responsible for those medical bills. That is why we want to be able to do this fundraiser.

We do understand that we need to have security at this event. We have contacted Koa Puna to help us. We also will be contacting Eric Kawamoto for DOCARE and we have police officer friends who are willing to do walk around to be a police presences during the event. Because this is a

EXHIBIT B

sr

fundraiser for a child, we want to make this a alcohol/ drug free, smoke free event.

We want to have music artist in the large pavillian, and a special booth area in the smaller pavillian for the children. We would like to have food vendors and craft vendors set up for the enjoyment of all who will attend. We will have a special preformance by the folks at ARC of Hilo.

It is important to me that we all remember that we have some very special people who live among us here in beautiful Hilo. That God has blessed us with these "angels". Our family has been blessed to have Addie in our life for 9 years. We pray to have her for many more years to come. Please consider our application as we truly need this fundraiser to help our sweet baby girl.

Mahalo,

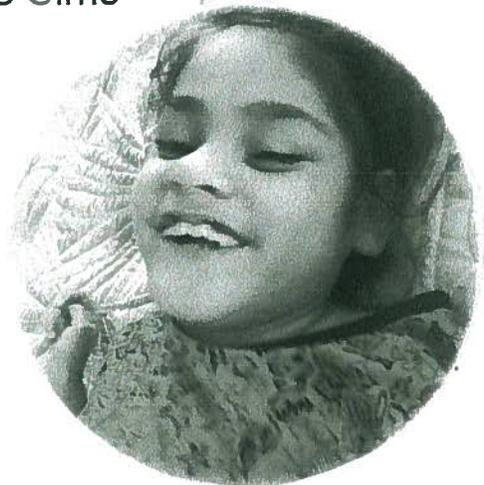
Ola Sims

Ola Sims

Wendy Wagoner

Wendy Wagoner

Addie Sims





RECEIVED

October 30, 2012

2012 NOV -2 A 8: 51

To Whom It May Concern:

DEPT OF STATE PARKS
HILO, HI

This letter is to describe the condition of my patient, Addie Sims.

Addie was born at 22.5 weeks gestation, which is extremely premature. She lived in the neonatal intensive care unit for the first 8 months of her life where she had multiple complications related to her prematurity including heart attacks, difficulty breathing, and removal of part of her liver.

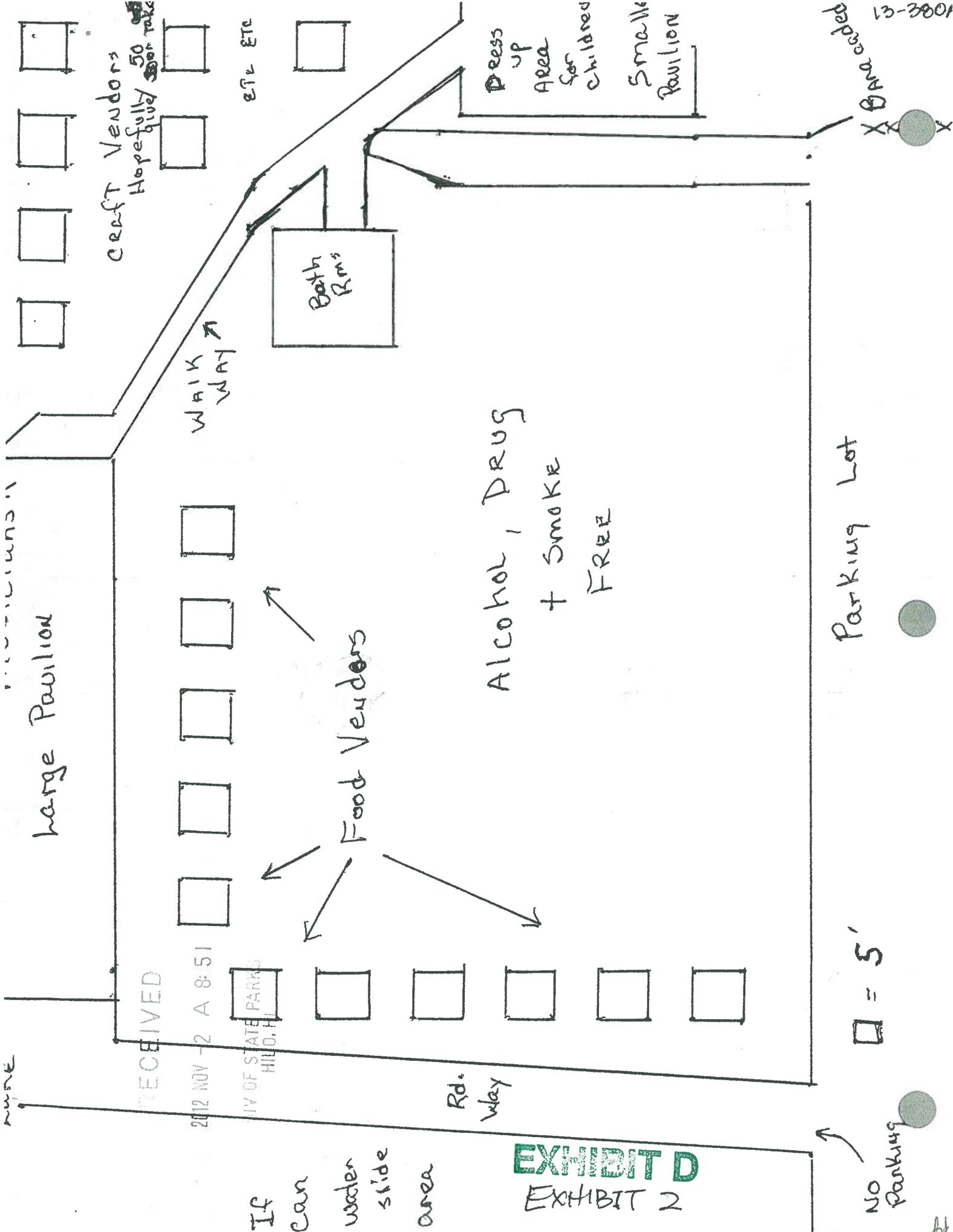
She has also developed a seizure disorder which has been difficult to control despite being on three different seizure medications. Addie is being referred to Primary Children's Hospital in Utah for further evaluation of her seizure disorder and will possibly receive some new treatments that are not available in Hawaii but could potentially help with controlling her seizures.

Thank you and please contact me with any further questions.

Sincerely,

A handwritten signature in black ink that reads "Tamara Todd".

Tamara Todd, MD
HMC Pediatrics
932-4220



Large Pavilion

CRAFT VENDORS
Hopefully give 50 per table

WALK WAY →

Food Vendors

Alcohol, DRUG
+ SMOKE
FREE

Bath Rins

Press up Area for childrens Small Pavilion

Parking Lot

□ = 5'

RECEIVED

2012 NOV -2 A 8:51

DIV OF STATE PARKS
HILO, HI

Rd. way

If can water slide area

EXHIBIT D
EXHIBIT 2

NO Parking

Area added 13-3001