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Ka Iwi Coalition

Mauka to Makai



COMMUNITY DRIVEN, VOLUNTEER-BASED RESTORATION PROJECT

*Hāwea Heiaa Complex
& Keawāiwa Wetland*

CELEBRATE THE CULTURAL AND NATURAL RESOURCES OF YOUR COMMUNITY

Livable Hawaii Kai Hui is a 501c(3) non-profit, community organization serving East Honolulu since 2004. We strive to promote sensible growth, respect for cultural & natural resources and upholding the integrity of the East Honolulu Sustainable Communities Plan.

August 19, 2018

BLNR Chair Suzanne Case
P.O. Box 621
Honolulu, HI 96809

Dear Chair Case,

Livable Hawaii Kai Hui is committed to securing adequate shoreline and beach access to public lands and waters — especially those forming Maunalua Bay — as evident in our campaigns at Hanapepe Brow, Portlock Beach, Paiko Beach, and Niu Valley for the enforcement of laws mandating public rights of way.

The Hui is deeply concerned by the request put forward by Resorttrust Hawaii, LLC asking the BLNR to issue a revocable permit that will replace the terms and conditions of RP S-7849. Chief among our concerns is that as operator of the Kahala Hotel, RTH might expand its commercial activities on state-owned ceded land designated only for “recreational and maintenance purposes” and renege on its promise to maintain public access to Kahala Beach, which has occurred under previous permits granted to both RTH and its predecessors.

Even according to District Land Agent Barry Cheung’s submission to the chair that recommends the issuance of a new revocable permit, it is acknowledged that “Staff notes from previous revocable permit files that there were some past incidents when public access was challenged or even blocked.”

The East Honolulu Sustainable Communities Plan that covers this area and guides the mission of Livable Hawaii Kai Hui stresses, among other things, the importance of public shoreline access, regulated commercial growth, and protection of “significant scenic values and natural areas.”

Therefore, echoing the call of fellow community groups and specifically the suggestions made by the Sierra Club of Hawai‘i in their June 23, 2018 letter to the chair, the Hui humbly asks the BLNR to either reject RTH’s permit request or clearly stipulate specific protections and promotions of public beach access.

Sincerely,

Dylan Ramos
Community Relations & Communications, Livable Hawaii Kai Hui

Livable Hawaii Kai Hui P.O. BOX 25493 Honolulu, Hawaii 96825



*For the bay
For the future
For life*

September 5, 2018

BLNR Chair Suzanne Case
P.O. Box 621
Honolulu, HI 96809

Board of Directors

Dear Chair Case,

*Dawn Dunbar
Mitch D'Olier
Amy Monk
Steve Schatz
Leighton Taylor
Jennifer Taylor
Jean Tsukamoto
Tim Johns*

As the Executive Director of Mālama Maunalua, I am submitting the following letter in regards to the Kahala Hotel's (aka Resorttrust Hawaii LLC) renewal application for revocable permit S-7849.

Directors Emeritus

*Laura Thompson
Carol Wilcox*

Mālama Maunalua's mission is to protect and restore the health of Maunalua Bay. Permit S-7849 covers public land and beach directly adjacent to Maunalua Bay. Our primary concern is in ensuring that actions undertaken by permit holders and landowners adjacent to the bay do not negatively impact the bay's health. We trust that the DLNR's environmental assessment of current and planned activities is sufficiently thorough to identify any potential concerns. Of particular interest is the letter dated August 2, 2018, that the State of Hawaii's Department of Health issued to the Kahala Hotel and Resort detailing potential clean water act violations from a broken pipe discharging into Maunalua Bay. It appears from the letter that the violation may be long-running so we expect that a solution will be implemented immediately and that the DLNR will ensure that no further discharge from this pipe enters the bay.

As a community-led organization, Mālama Maunalua is concerned about the loss of public access and full use of state lands at stake in the potential issuance of a revocable permit. Urban development, access infringement, erosion, and climate change are all combining to make public access and use of state lands more challenging. Sea level rise is projected to inundate many beaches and coastal lands, meaning foresight and understanding of how current decisions will impact what is left is critical. We urge the BLNR to carefully consider how economic interests relate to environmental needs, and how any permit it issues not only impacts that specific area, but also the precedent it sets for other beaches and public lands. In the case at hand, it is problematic that the definitions of the terms "commercial" and "recreational" are not clear, and the hotel's interpretation both historically and presently of these terms has meant usage and even capital improvement of public land without clear guidance as to legality, or a prior environmental assessment as to impact.

We have heard from representatives from the Kahala Hotel and concerned community members, and we urge the BLNR to find a path that doesn't infringe on the right of the people of Hawaii to have access and full use of public land, and doesn't cause further degradation to Maunalua Bay. If the BLNR grants the hotel's request for a new permit, we request the permit be clear and an appraisal be conducted to determine fees that accurately

reflect the value of the activity. We also ask that the funds from the fees be used by DLNR to assist with protecting and restoring the health of the Bay and the Maunalua region.

Please feel free to contact me should you have any questions or comments at dharper@malamamaunalua.org.

Aloha,

A handwritten signature in black ink, appearing to read 'D. Harper', written over a horizontal line.

Doug Harper
Executive Director

cc: Mayor Kirk Caldwell
Representative Bertrand Kobayashi
Senator Stanley Chang
Councilmember Trevor Ozawa
Representative Laura Thielen



'ĀINA HAINA COMMUNITY ASSOCIATION

c/o 'Āina Haina Library, 5246 Kalanianaʻole Highway, Honolulu, HI 96821
ainahainaassoc@gmail.com; www.ainahaina.org

Jeanne Ohta, President • Melia Lane-Kamahele, Vice-President • Art Mori, Treasurer • Kathy Takemoto, Secretary • Directors At Large: Jeff Carlson, Wayson Chow, Patricia Moore, Marie Riley

September 14, 2018

To: Suzanne Case, Chair and Members of the Board of Land and Natural Resources

From: Jeanne Y. Ohta, President

RE: BLNR Special Meeting, September 14, 2018, 9:15 a.m.
Agenda item D.13—Issuance of Revocable Permit for Recreational and Maintenance Purposes;
Resorttrust Hawaii, LLC, Applicant; Waiʻalaie, Honolulu, Oʻahu, TMK: (1) 3-5-023:041

The Board of Directors of the 'Āina Haina Community Association (AHCA) write in opposition to the issuance of the Revocable Permit to Resorttrust Hawai'i for recreational and maintenance purposes. The proposed permit seeks to use public land for commercial purposes and in doing so, restrict public access to the beach and ocean.

AHCA has long opposed the use of public land for commercial purposes. East Honolulu has become an increasingly popular location for weddings. This popularity has motivated property owners to violate zoning and public access laws, and to offer weddings that cause noise, traffic and parking issues, and affect the quality of life of nearby residents. Resorttrust is just another example of a property owner attempting to profit from this lucrative wedding and event business while violating the terms of their permit and land use laws.

AHCA opposes the commercial use of public beachfront property. We request that the Board keep public recreational use as the highest priority and the most appropriate use of the land; and further, to keep as much public access as possible to our oceans and beaches. Permits with conditions should not be given to persons or organizations who have already shown to have a disregard for them. We respectfully request that Board consider whether sufficient resources are available to investigate and enforce conditions of revocable permits before approving them.

Thank you for the opportunity to express our opposition to the proposed permit.



Hawaii's Thousand Friends

300 Kuulei Rd. Unit A #281 * Kailua, HI 96734 * Phone/Fax (808) 262-0682 E-Mail: htff3000@gmail.com

July 20, 2018

Suzanne Case, Chair
BLNR
P.O. Box 621
Honolulu, Hawai'i 96809

Dear Chair Case,

Hawai'i's Thousand Friends is concerned about the continuing encroachment of commercial activities by the Kahala Hotel onto the public beach fronting the resort.

Since opening in 1964 the Kahala Hotel and Resort exclusive location has been an oasis away from crowded Waikiki. This exclusivity along with DLNR approved revocable permit number S-7849 for *recreational and maintenance purposes only* offers out-of-sight out-of-mind opportunities for commercial resort related activities to encroach onto the public beach fronting the resort.

Commercial activities, not related to the revocable permit, that encroach onto the public beach include: 1) growing grass on the public beach, 2) holding weddings, 3) offering surf lessons, 4) setting up resort use only beach chairs and cabanas, 5) a restaurant and bar, and 6) selling alcohol on the public beach fronting the resort.

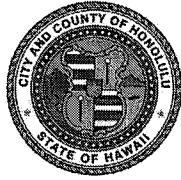
While commercial and exclusive use encroachment onto the public's beach has always been an issue such encroachment has been "tolerated" until now. Not satisfied with the silent encroachment Kahala Hotel and Resort i.e. Resorttrust Hawai'i LLC is seeking to renew revocable permit number S-7849 to continue their perpetual illegal commercial use of the public's beach.

Instead of considering renewing or enhancing Resorttrust Hawai'i LLC's request the Department and Board of Land and Natural Resources has a public trust responsibility to first eliminate all commercial activities on public land that violate revocable permit number S-78490 and encroach onto public land and state waters adjacent to resort owned land and restore the shoreline to it's pre-grass growing days natural contour.

In this era of climate change and rising seas the Department and Board's obligation under the Public Trust Doctrine and State Constitution (Article XI, Section 1) to "...conserve and protect Hawai'i's natural beauty and all natural resources, including land, water..." because "All public natural resources are held in trust by the State for the benefit of the people" is even more critical.

Sincerely,

Donna Wong



**HAWAII KAI
NEIGHBORHOOD BOARD**

August 28, 2018

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Subdistrict #10
Chairperson

ELIZABETH REILLY
At-Large
Vice Chairperson

RENÉ GARVIN
At-Large
Secretary

NATALIE IWASA
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Subdistrict #6

LASHA SALBOSA
Subdistrict #7

Vacant
Subdistrict #8

Vacant
Subdistrict #9

PAIGE ALTONN
Subdistrict #11

**Hawaii Kai
Neighborhood Board #1**

c/o Neighborhood
Commission Office
925 Dillingham Blvd., #160
Honolulu, Hawaii 96817
Phone: (808) 768-3710
Fax: (808) 768-3711
www.honolulu.gov/nco

The Board meets the last
Tuesday of every month
except Dec., 7 p.m., Hahaione
Elementary School cafeteria.
The public is welcome to
attend.

BLNR Chair Suzanne Case
PO Box 621
Honolulu, HI 96809

RE: Resolution Opposing the Renewal of a Revocable Permit to
Resorttrust Hawaii LLC of the Kahala Hotel and the Commercial use of
Beach Land Fronting the Kahala Hotel

Dear Ms. Case:

At its regularly scheduled board meeting of August 28, 2018, the Hawaii Kai
Neighborhood Board unanimously approved a resolution that urges the BLNR
NOT to renew a revocable permit request by Resorttrust Hawaii LLC of the
Kahala Hotel, and further supports full public access to the beach fronting the
Kahala Hotel. (Ayes 11; Nays 0; Abstentions 0).

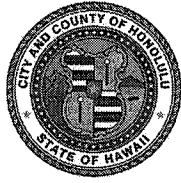
The resolution is attached to this letter and is being submitted as online
testimony. The Hawaii Kai Neighborhood Board strongly supports the public
access to all public beaches on Oahu and in the State of Hawaii.

Thank you for your time and consideration of our comments.

Aloha,

Roberta Mayor, Chairperson
Hawai'i Kai Neighborhood Board

cc (via email): Mayor Kirk Caldwell
Councilmember Trevor Ozawa
Senator Laura Thielen
Senator Stanley Chang
Representative Gene Ward
Representative Mark Hashem
Members of the Hawai'i Kai Neighborhood Board



**HAWAII KAI
NEIGHBORHOOD BOARD**

August 28, 2018

HAWAII KAI NEIGHBORHOOD BOARD RESOLUTION 18-2

ROBERTA MAYOR
Subdistrict #10
Chairperson

ELIZABETH REILLY
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Vice Chairperson

RENÉ GARVIN
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Secretary

NATALIE IWASA
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Subdistrict #6

LASHA SALBOSA
Subdistrict #7

Vacant
Subdistrict #8

Vacant
Subdistrict #9

PAIGE ALTONN
Subdistrict #11

**Hawaii Kai
Neighborhood Board #1**

c/o Neighborhood
Commission Office
925 Dillingham Blvd., #160
Honolulu, Hawaii 96817
Phone: (808) 768-3710
Fax: (808) 768-3711
www.honolulu.gov/nc

The Board meets the last
Tuesday of every month
except Dec., 7 p.m., Hahaione
Elementary School cafeteria.
The public is welcome to
attend.

**OPPOSING THE COMMERCIAL USE OF PUBLIC BEACHFRONT LAND
FRONTING THE KAHALA HOTEL; SUPPORTING FULL PUBLIC ACCESS AND
USE OF PUBLIC BEACHFRONT LAND FRONTING THE KAHALA HOTEL; AND
OPPOSING THE RENEWAL OF REVOCABLE PERMIT S-7849.**

WHEREAS, the Board of Land and Natural Resources is considering whether to renew the revocable permit (S-7849) to allow Resorttrust Hawaii LLC to use the state beachfront property in front of the Kahala Hotel; and

WHEREAS, the Kahala Hotel has converted the public space into commercial operations that exclude the general public; and

WHEREAS, the Seaside Grill, rental cabanas, wedding gazebos and chairs are within the area covered by revocable permit S-7849 as well as adjacent state land; and

WHEREAS, the revocable permit that the Kahala Hotel has been operating under only authorizes use for recreational and maintenance purposes; and

WHEREAS, the Kahala Hotel has enough space to confine commercial activities to its land; and

WHEREAS, the Kahala Hotel has, on occasion, attempted to exclude public use of the state land in front of the Kahala Hotel; now therefore

BE IT RESOLVED THAT the Hawaii Kai Neighborhood Board opposes the commercial use of public beachfront land in front of the Kahala Hotel; and

BE IT FURTHER RESOLVED THAT the Hawaii Kai Neighborhood Board supports full public use and opposes efforts to exclude the public from beachfront land in front of Kahala Hotel; and

BE IT FURTHER RESOLVED THAT the Hawaii Kai Neighborhood Board urges that the public beachfront land in front of the Kahala Hotel be free of all structures and storage; and

BE IT FURTHER RESOLVED THAT the Hawaii Kai Neighborhood Board opposes the renewal of revocable permit S-7849; and

BE IT FURTHER RESOLVED THAT a copy of this resolution shall be sent to the Board of Land and Natural Resources, Mayor Kirk Caldwell, Councilmember Ozawa, Senators Chang and Thielen, and Representatives Ward and Hashem.

Approved August 28, 2018 (Ayes 11, Nays 0, Abstentions 0)



SURFRIDER
FOUNDATION
OAHU CHAPTER

Surfrider Foundation Oahu Chapter
P.O. Box 283092
Honolulu, HI 96828
oahu.surfrider.org

8/19/18

BLNR Chair Suzanne Case
PO Box 621
Honolulu, HI 96809

RE: Revocable Permit
S-7849
Kahala Hotel

Dear Chair Case,

I oppose granting the Kahala Hotel a new Revocable permit which allows commercial activity as this restricts the public's access, use and enjoyment.

Between the Kahala Hotel & Resort and the beach is a one acre parcel of public land that many people think is owned by the hotel. It is not. The Hotel has been entrusted, via a revocable permit, to use the land lawfully for maintenance and recreation. Instead, the Hotel has violated their permit in numerous ways as a result of their commercialization of the area. While the hotel says the "public is welcomed", their commercial activities squeeze the public out and deny the public's use of the land and surrounding waters.

Resorttrust Hawaii, LLC, the owner of the Kahala Hotel is a foreign owned company, is profiting at great expense to Hawaii's public.

For decades under the previous owners of the Hotel, the parcel of public land was open, accessible to the public, and free of commercial activity ... as it was intended to be. Commercial activity was kept to the hotel's own private property and off the public land. This worked well for the community for many years.

The hotel is welcome to maintain the public area so that it looks nice for their guests. But please do not allow any commercial activity on the public land or allow any commercial activity to cross this public land to the public beach.

After all...public land is for public use.

Sincerely, and on behalf of,

Surfrider Foundation - Oahu Chapter
PO Box 283092
Honolulu, HI 96828
oahu.surfrider.org

Ferreira, Darlene S

From: Bob <chandlerr001@hawaii.rr.com>
Sent: Sunday, August 19, 2018 1:18 PM
To: DLNR.BLNR.Testimony
Subject: Kahala Hotel Hearing for Commercial Weddings Etc. on Public Beach Attached to Request for Revocable Permit!

**Re: Block Kahala Hotel 101 page* Revocable Permit
Renewal &**

**Amending of 5000+ Sq.' of public Beach Land to permissible
use of 40 items including storage and setting of Beach chairs
& Equipment*.**

**Also Issuance of Right-of Entry Permits for 3 days of
Commercial Weddings on Public Beach Lands .**

Atten: Board Members:

I have jogged on that beach many times in the mornings -- MANY times. It is a grand little beach and should remain in the Public Beach Lands unencumbered by any private ventures. This is a very poor idea. Please reject this request to encumber the state public beach lands. There is plenty of private property on the premises of the Kahala Hotel for them to put this venture elsewhere.

I do NOT agree that 40 specify items encumbering over 5000 sq.' of State Public Beach Lands should be included in the Revocable Permit of Kahala Hotel (Resorttrust) and taken away for Public Beach Lands.

**I do NOT agree that 3 days of Profitable Weddings should be granted to Kahala Hotel (Resorttrust) and usage of Public Beach Lands taken away from the public!
Commercial Weddings on Public Beach Lands set a precedent. Also the amending of the Revocable Permit to permit 40 items for storage and commercial use on over 5000 sq.' of Public beach lands is definitely a SIGNIFICANT IMPACT ON THE ENVIRONMENT and an EIS should be prepared.**

Public lands are for public use. The beachfront land in front of the Kahala Hotel should not be used for any commercial purpose; it should be free of all structures and storage; and should be freely available for use by the general public.

Thank you for your consideration,

Robert M. Chandler
3027 Pualei Circle #106

Ferreira, Darlene S

From: Jim Merritt <jimmerritt@hotmail.com>
Sent: Sunday, August 19, 2018 10:14 AM
To: DLNR.BLNR.Testimony
Subject: Do not allow Kahala beach to be commercialized at the expense of public access!

Atten: Board Members;

I do NOT agree that 40 specify items encumbering over 5000 sq. of State Public Beach Lands should be included in the Revocable Permit of Kahala Hotel (Resorttrust) and taken away for Public Beach Lands.

**I do NOT agree that 3 days of Profitable Weddings should be granted to Kahala Hotel (Resorttrust) and usage of Public Beach Lands taken away from the public!
Commercial Weddings on Public Beach Lands set a precedent. Also the amending of the Revocable Permit to permit 40 items for storage and commercial use on over 5000 sq.' or 1.28 acre by DLNR calculations on Public beach lands is definitely a SIGNIFICANT IMPACT ON THE ENVIRONMENT and an EIS should be prepared.**

Public lands are for public use. The beachfront land in front of the Kahala Hotel should not be used for any commercial purpose; it should be free of all structures and storage; and should be freely available for use by the general public.

Thank you for your consideration,

Some Specifics:

***dlnr.hawaii.gov/meetings**

Department of Land and Natural Resources | Meetings

dlnr.hawaii.gov

recent posts. 08/10/18 – paving projects scheduled at two o’ahu state parks; 08/07/18 – big island forest campgrounds close in advance of approaching storm

Select item D7 for complete 101 pp. submittal!

1) The public does NOT agree that 40 specific items encumbering over 5000 sq. of State Public Beach Lands should be included in the Revocable Permit of Kahala Hotel (Resorttrust) and taken away for Public Beach Lands!!!

Resorttrust agrees with DLNR Divisions comment that ..."recreational and maintenance is to vague". Therefore, Resorttrust requests the Land Board agree to amend the permissible USE of P7849 to include the 40 specific items tabulated in the chart on page 6 described on map marked as Exhibit I-A of Exhibit I (more than 5,000 sq.' of public beach lands to be used for 1 560 sq.' "KOKK" Storage Area, 10 Cabana Tents, ("1000 sq.', "SSG" Seating Area 1917 sq.', 1 hammock 58.5 sq.', Beach Chair Storage 468 sq.', 13 Clam Shell Loungers, 3 Beach Chair Setup of 4 Chairs, 2 Beach Chair Setups of 6 Chairs," and Storage Equipment inc. Beach Chairs, Outrigger canoe Storage, etc.) in a letter sent by Resorttrust.

2) The Public does Not agree that 3 days of Profitable Weddings should be granted to Kahala Hotel (Resorttrust) and usage of Public Beach Lands taken away from the public!!!

...and add 3 days of over 15 hours per day of expansive (over 11,000 sq.' total) weddings only costing Resorttrust approx. \$1100 per day on Public beach land. This will surely set a precedent for public beach use!

("Issuance of Right-of Entry Permits for each Activities to be held on Oct. 16, 17, and Dec. 29, 2018 and Issuance of Revocable Permit for Recreational and Maintenance Purposes:")

3) The Right to Enter the Public Beach State Lands for **Commercial Weddings sets a precedent and the amending of the Revocable Permit to permit 40 items for storage and commercial use on over 5000 sq. or 1.28 acre by DLNR calculations of Public beach lands is definitely a SIGNIFICANT IMPACT ON THE ENVIRONMENT and an EIS should be prepared.** COMMERCIAL VENUES BEING ALLOWED ON PUBLIC BEACH LANDS

IN HAWAII NEI is a significant impact on the environment!

This "Revocable Permit shall not be amended from time to time" nor as prescribed by the Chairperson.

Jim Merritt

Ferreira, Darlene S

From: mitzi gold <mitzigold@gmail.com>
Sent: Friday, August 17, 2018 8:44 AM
To: DLNR.BLNR.Testimony
Subject: NOTE: NOT continuing the revocable permit for the simple reason that the Kahala Hotel is limiting public access by their business encroachment on public land.

Atten: Board Members;

I do NOT agree that 40 specific items encumbering over 5000 sq. of State Public Beach Lands should be included in the Revocable Permit of Kahala Hotel (Resorttrust) and taken away for Public Beach Lands.

**I do Not agree that 3 days of Profitable Weddings should be granted to Kahala Hotel (Resorttrust) and usage of Public Beach Lands taken away from the public!
Commercial Weddings on Public Beach Lands set a president. Also the amending of the Revocable Permit to permit 40 items for storage and commercial use on over 5000 sq.' or 1.28 acre
by DLNR calculations on Public beach lands is definitely a SIGNIFICANT IMPACT ON THE ENVIRONMENT and an EIS should be prepared.**

Public lands are for public use. The beachfront land in front of the Kahala Hotel should not be used for any commercial purpose; it should be free of all structures and storage; and should be freely available for use by the general public.

**Thank you for your consideration,
Mitz Gold
2957 Kalakaua Ave.
Honolulu Hi. 96815
808-737-6277 w**

Ferreira, Darlene S

From: akr9@hawaii.rr.com
Sent: Friday, August 17, 2018 8:01 AM
To: DLNR.BLNR.Testimony
Cc: alethea@mitsuyamaandrebman.com
Subject: Kahala Beach permit

Dear Board,

I write in opposition to further encumbrance of public land in favor of a private enterprise. Having lived next door to the Kahala for several years, I can attest that they already frequently block public beach access by planting wedgings right on the access way, and that at high tide, it is not uncommon to have access blocked for anyone not willing to wade through the water. In other words, they don't seem to have kept the faith on the current permit they have.

In addition, it is a terrible precedent to allow a private enterprise to block off public beach, and certainly it opens the door for others all over the island on a fairness basis.

Thank you,
Alethea Rebman

Ferreira, Darlene S

From: Jeannine Johnson <jeannine@hawaii.rr.com>
Sent: Tuesday, August 28, 2018 5:52 PM
To: DLNR.BLNR.Testimony
Subject: FW: Revocable Permit S-7849 issued to Resorttrust Hawaii LLC

E kala mai, I forgot to cc you. Aloha, Jeannine

From: Jeannine Johnson <jeannine@hawaii.rr.com>
Sent: Sunday, August 19, 2018 8:01 PM
To: [REDACTED]
Cc: [REDACTED]
Subject: Revocable Permit S-7849 issued to Resorttrust Hawaii LLC

Aloha Chair Case,

I represent Niu Valley on the Kuli'ou'ou / Kalani Iki Neighborhood Board No. 2. We've been dealing with the issue of beach access for over a decade:

On October 5, 2006, the Board ADOPTED by UNANIMOUS CONSENT that the Kuli'ou'ou-Kalani Iki Neighborhood Board No. 2 strongly opposed any development which would gate off the access to our beaches that has been traditionally used by our residents, fisherman and/or surfers. Further, it recommend the City place blue public right of way signs similar to those along Kahala Avenue at public rights of way along our shoreline from Portlock Road and continuing west along Kalaniana'ole Highway to Kahala.

On November 6, 2008, the Board ADOPTED, 12-0-1 to 1) Appropriate funds for the Office of Planning, Coastal Zone Management Program, to survey and map all existing public access ways to shoreline areas and nearby public parking areas; 2) Before permits are issued that may affect public access to the sea, the shoreline, or any coastal or inland public recreational area, the relevant agency shall ensure that a public right-of-way is available to access any and all public recreational areas, including beaches, shores, parks, and trails; and 3) Required state and county agencies to enforce the public's rights of access to and use of coastal and inland recreational areas as mandated in HRS Chapter 115 and increase penalties for the offense of obstructing access to public property.

In 1962, the State of Hawaii DOT Harbors Division and the Board of Land and Natural Resources ("BLNR") issued a permit authorizing the Kahala Hilton Hotel to dredge and fill the area fronting the Hotel, import sand to construct a beach, and to construct two small islets and two groins. Resorttrust Hawaii LLC now claims that the sandy beach and lagoon were created for the use and enjoyment of the public, along with a shower, refuse receptacle and water fountain. Instead, numerous violations are occurring including commercial events, weddings, surf lessons, boat rides, restaurant and bar activities and preset chairs on State land, to the tune of thousands of dollars in profits, all the while excluding the public from its own beach and property.

Residents along Maunalua Bay have been fighting for access to the beach for years (see 2006 Beach Wars [article](#)), therefore, it is improper for the BLNR to permit the continued taking of the public's property for commercial use on top of allowing the dredging, filling, sand importation and construction of groins and islets in the past. Do not renew revocable permit S-7849 and allow Resorttrust Hawaii LLC to continue to profit from its use of the State beachfront property or at the very least, require that the public be given half the profits of every single commercial

Ferreira, Darlene S

From: Kika Inc. [REDACTED]
Sent: Thursday, August 30, 2018 8:35 AM
To: Ferreira, Darlene S
Cc: Kika Inc
Subject: Issuance of Revocable Permit for Recreational and Maintenance

August 30, 2018

Suzanne D. Case, BLNR Chair and Board Members

Office of The Chairperson Darlene.s.ferreira@hawaii.gov

1151 Punchbowl Street, #130

Honolulu, Hawaii 96813

RE: Issuance of Revocable Permit for Recreational and Maintenance

Dear Chairperson Case,

My name is Caterina "Kika" Matsumoto. I am a longtime resident of Kahala and live a few blocks away from the Kahala Resort. I frequent the hotel as many as 3-4 days a week. I often see local residents walking their dogs on the grass area that is in dispute with no resistance from the hotel.

I am in support of the Issuance of a revocable permit for recreational and maintenance to the Kahala Resort. There are a few reasons I support this.

- 1) This parcel and beach would not be in existence if the original hotel owners had not put it in.
- 2) The hotels is willing to pay for this lease at a reasonable fee, which will benefit local residents.

3) The hotel maintains this area and the beach beautifully.

I do hope the committee listens to the community and approves the application for the benefit of our children.

Thank you,

Caterina Kika T. Matsumoto

Ferreira, Darlene S

From: Oahu Treasurer <treasurer@oahu.surfrider.org>
Sent: Tuesday, September 04, 2018 10:46 AM
To: DLNR.BLNR.Testimony
Subject: Kahala Resort Permit Request

Dear Board,

I reject passing of Rev. Permit S-7849.

Thank you,

Matt Moore
Treasurer
Surfrider Foundation Oahu Chapter
PO Box 283092 | Honolulu, HI 96828
oahu.surfrider.org | 808-258-7182

Ferreira, Darlene S

From: dmurai4@hawaii.rr.com
Sent: Thursday, September 06, 2018 4:58 PM
To: DLNR.BLNR.Testimony
Subject: Permit Number S-7849 Kahala Hotel

Dear Land Board Commissioners:

RE: Permit Application No. S-7849 Kahala Hotel usage of State of Hawaii Property of Public Beach Access area. **STRONGLY OPPOSE APPLICATION**
TMK: (1) 3-5-023:041

Kahala Hotel wants to use Public Beach Access area for their own personal usage on October 16, 17 and December 29, 2018 for various functions and events, during popular times used by the public to access the beach. They are also applying for additional land area for their daily beach and other activities beyond their property for their guests. They are doing very well financially by providing excellent services and amenities for their Hotel guests, but are running out of space for additional events such as Weddings and other special functions.

Taking away prime PUBLIC Access to the beach area from the General Public is a great disservice to tax payers and other non-hotel guests. Who will Monitor if the Hotel decides to have their special function and not allow the General Public to access the beach? Will this be a trend for other State of Hawaii properties throughout all the Islands? With Global Warming happening, how much of the beach access be above the ocean in the future?

These are my reasons why I strongly Oppose Permit No. S-7849.

Daisy Murai, resident of Kapahulu and member of the General Public
3039 Kaunaoa Street
Honolulu, HI 96815

Ferreira, Darlene S

From: DLNR.CO.PublicDLNR
Sent: Monday, August 27, 2018 4:26 PM
To: Ferreira, Darlene S
Cc: Cheung, Barry W; Moore, Kevin E
Subject: FW: Kahala Hotel RP, attn: Suzanne Case, Barry Cheung

Forwarding....

From: Heather Lum [mailto:heatherlumnb2@gmail.com]
Sent: Friday, August 24, 2018 8:23 AM
To: DLNR.CO.PublicDLNR <dlnr@hawaii.gov>
Subject: Kahala Hotel RP, attn: Suzanne Case, Barry Cheung

Aloha,

Per Sunshine Rules, Neighborhood Board #2 was unable to vote on this item when it came up at our August meeting because it was not on our printed agenda. It is on our September 6 agenda with a resolution. Based on the comments and level of concern at our August 2 meeting, I predict that we will pass a resolution opposing renewal of the Kahala Hotel's RP as it stands.

Historically, NB#2 has a stance of protecting public beach access, and the information we have received confirms that the Kahala Hotel is using numerous tactics that restrict and/or prevent that access. In addition, this Board has fought for decades against commercial activity occurring where it should not be, and the information we have received indicates that commercial activities are happening on public land.

Mahalo for your attention to this matter.

Heather Lum

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Heather Lum

Chair, Neighborhood Board #2
heatherlumNB2@gmail.com