

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

March 22, 2019

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

OAHU

Issuance of Right-of-Entry Permit for Corporate Events Purposes to be held on April 4, 13, 14, and September 9, 2019; Resorttrust Hawaii, LLC, Applicant; Waialae, Honolulu, Oahu, Tax Map Key: (1) 3-5-023: portions of 041.

APPLICANT:

Resorttrust Hawaii, LLC, a domestic limited liability company.

LEGAL REFERENCE:

Section 171-55, Hawaii Revised Statutes ("HRS"), as amended.

LOCATION:

Portion of Government lands situated Waialae, Honolulu, Oahu, identified by Tax Map Key: (1) 3-5-023:041 as shown on the map labelled as **Exhibit A**.

AREA:

7,651 square feet, more or less.

ZONING:

State Land Use District: Urban
City and County of Honolulu LUO: Resort (for abutting property)

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:

Encumbered by Revocable Permit No. S-7915, Resorttrust Hawaii, LLC, Permittee, for recreational and maintenance purposes at a monthly rental of \$1,320.05 effective from January 1, 2019.

CHARACTER OF USE:

Corporate Events Purposes.

COMMENCEMENT DATE/TERM:

Date	Hours (including set up and breakdown)	Nature of Event
April 4, 2019 (Thursday)	10:00 am to 12:00 am	Corporate (dinner w/live music)
April 13, 2019 (Saturday)	3:00 pm to 7:00 pm (set up only)	Corporate (outdoor meeting with barbeque lunch)
April 14, 2019 (Sunday)	6:00 am to 6:00 pm (set up, event, breakdown)	
September 9, 2019 (Monday)	10:00 am to 12:00 am	Corporate (dinner w/live music)

RENTAL for ROE:

\$3,060.40 (One-time payment, \$765.10 x 4 days.)

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with Hawaii Administrative Rule ("HAR") Section 11-200-8 and the Exemption List for the Department of Land and Natural Resources reviewed and concurred with by the Environmental Council and dated June 5, 2015, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 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", Item 51, which states the "Permits, licenses, registrations, and rights-of-entry issued by the Department that are routine in nature, involving negligible impacts beyond that previously existing". See **Exhibit B**.

DCCA VERIFICATION:

Place of business registration confirmed: YES x NO
Registered business name confirmed: YES x NO
Applicant in good standing confirmed: YES x NO

REMARKS:

The subject grassy area was built at the cost of the private property owners and tenants around 1963 pursuant to Permit No. 1164 dated August 13, 1962 issued by the Department of Transportation, Harbors Commissioners.

Since 1968, revocable permits were issued to the adjoining hotel owners including the current one, RP 7915, which was approved by the Board at its meeting of November 9, 2018.

Applicant, through its application attached as **Exhibit C**, requests Board authorization for right-of-entry permits on the dates mentioned above for corporate events. The proposed layouts of each event are also shown. Staff notes that the requested area is on the grassy area mauka of the sandy beach, i.e. over the RP 7915 premises.


Office and Conservation and Coastal Lands has no objection to the request and concurs to the proposed environmental assessment exemption declaration.

Applicant has not had a lease, permit, easement or other disposition of State lands terminated within the last five years due to non-compliance with such terms and conditions.

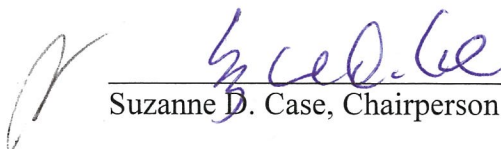
RECOMMENDATION: That the Board:

1. 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.
2. Authorize the issuance of a right-of-entry permit to Resorttrust Hawaii, LLC covering the subject area for corporate events purposes under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:
 - A. The standard terms and conditions of the most current right-of-entry permit form, as may be amended from time to time;
 - B. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,


Barry Cheung
District Land Agent

APPROVED FOR SUBMITTAL:


Suzanne D. Case, Chairperson



TMK (1) 3-5-023:041

EXHIBIT A

EXEMPTION NOTIFICATION

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

Project Title:	Issuance of right-of-entry permit for corporate events purposes on April 4, 13,14, and September 9, 2019.
Reference No.:	ROE 2019
Project Location:	Waialae, Honolulu, Oahu, TMK (1) 3-5-023: portions of 041.
Project Description:	Issuance of right-of-entry permit for corporate events on April 4, 13,14, and September 9, 2019.
Chap. 343 Trigger(s):	Use of State Land
Exemption Class No.:	In accordance with HAR Section 11-200-8 and the Exemption List for the Department of Land and Natural Resources reviewed and concurred with by the Environmental Council and dated June 5, 2015, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 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", Item 51, which states the "Permits, licenses, registrations, and rights-of-entry issued by the Department that are routine in nature, involving negligible impacts beyond that previously existing".
Cumulative Impact of Planned Successive Actions in Same Place Significant?	No, similar right-of-entry permits occur at the same location from time to time. Clean up is required after the events, staff believes that there would be no significant cumulative impact.
Action May Have Significant Impact on Particularly Sensitive Environment?	The requested area is a portion of State grassy area visited by tourists and residents, and it is heavily impacted by human activity. Public access across the requested area is maintained by the Kahala Hotel staff. In addition, based on the analysis below, staff believes there would be no significant impact to sensitive environment.
Consulted Parties:	Agency as noted in the submittal.
Analysis:	The Board has permitted similar activities at the subject location in the past. The proposed activity is of a similar type and scope of corporate events that periodically occurred and continues to occur on this grassy area.

EXHIBIT B

resulted in no known significant impacts, whether immediate or cumulative, to the natural, environmental and/or cultural resources in the area.

Recommendation:

It is recommended that the Board find that 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.

CARLSMITH BALL LLP

A LIMITED LIABILITY LAW PARTNERSHIP

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February 25, 2019

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DEPT. OF LAND
& NATURAL RESOURCES
STATE OF HAWAII

OUR REFERENCE NO.:
067396-00006

VIA HAND DELIVERY

Suzanne D. Case, Chairperson
Board of Land and Natural Resources
1151 Punchbowl Street
Honolulu, HI 96813

Re: Request for Right-of-Entry Permit for Events on State Land in Waialae,
Honolulu, Oahu, Tax Map Key No. (1) 3-5-023: 041

Dear Chairperson Case and Members of the Board:

We are writing on behalf of Resorttrust Hawaii, LLC, the owner and operator of The Kahala Hotel & Resort (the "**Hotel**") to respectfully request a Right-of-Entry permit ("**ROE**") allowing certain events to take place on the State-owned parcel identified as Tax Map Key No. (1) 3-5-023: 041 (the "**State Parcel**"), which is subject to RP S-7915 issued in favor of the Hotel. The State Parcel is directly adjacent to the Hotel property. The Hotel is not requesting permission to hold any events on the beach fronting the State Parcel.

The Hotel requests authorization from the Board of Land and Natural Resources ("**Board**") to hold three private events, which events would utilize identified portions of the State Parcel during the days and times specified below. None of the requested events preclude public access to the State Parcel. Details regarding the Hotel's proposed events are set forth in the table below, and the attached map illustrates the general location where these events would take place (map depicting the "G2" event site). Also attached are individual site plans depicting the anticipated layout of each event (i.e., the location of seating, tables, food and beverage stations, etc.).

EXHIBIT "C"

Suzanne D. Case, Chairperson
Board of Land and Natural Resources
February 25, 2019
Page 2

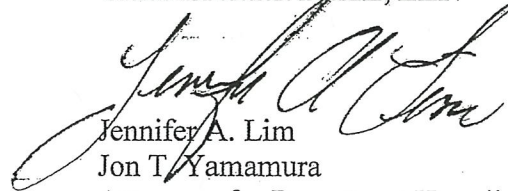
#	Date	Hours (including set up and breakdown)	Nature of Event	Size of Event (in approx. square feet); Location
1.	April 4, 2019	10:00 a.m. - 12:00 a.m.	Corporate (dinner w/live music)	G2 site; 7,651 sf
2.	April 13, 2019 (set up only) April 14, 2019 (set up, event, breakdown)	3:00 p.m. - 7:00 p.m. 6 a.m. - 6 p.m.	Corporate (outdoor meeting with barbeque lunch)	G2 site; 7,651 sf
3.	September 9, 2019	10:00 a.m. - 12:00 a.m.	Corporate (dinner w/live music)	G2 site; 7,651 sf

The Hotel also seeks the Board's permission to serve alcoholic beverages at these events, subject to securing all required approvals from the Honolulu Liquor Commission. We understand that the timeframe for securing approval from the Liquor Commission will take approximately a month following submission of the appropriate application to the Liquor Commission. However, the Hotel cannot submit that request to the Liquor Commission unless and until the Board has given its authorization for the Hotel to submit such a request.

Thank you for your time and consideration of this matter. Please feel free to contact us should you have any further questions or require additional information on the foregoing.

Sincerely,

CARLSMITH BALL, LLP



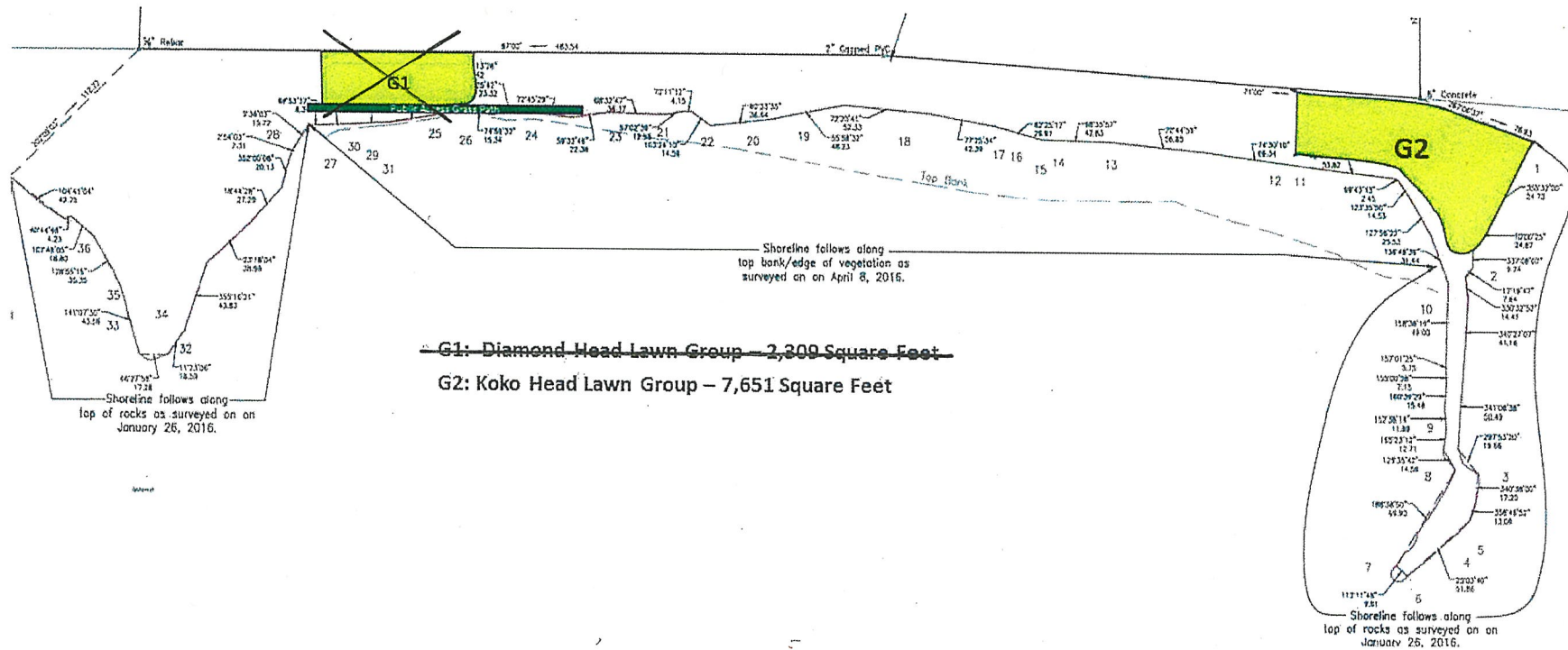
Jennifer A. Lim
Jon T Yamamura

Attorneys for Resorttrust Hawaii, LLC

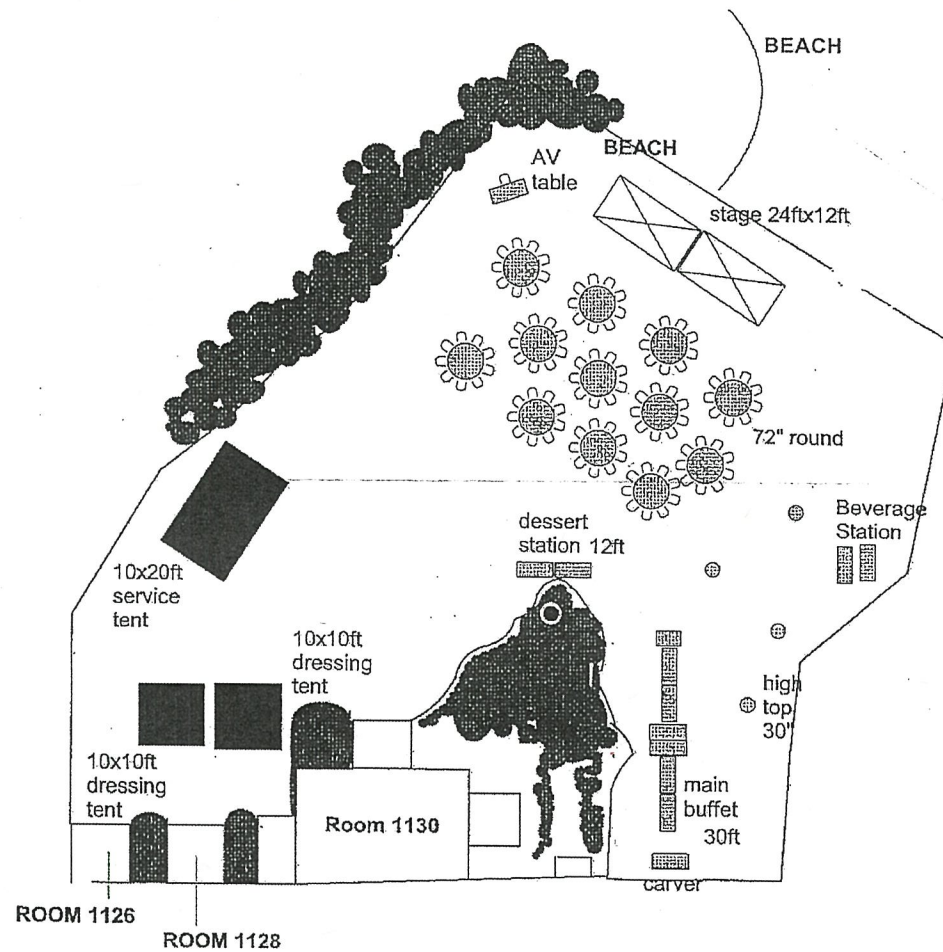
Enclosures

cc: The Kahala Hotel & Resort

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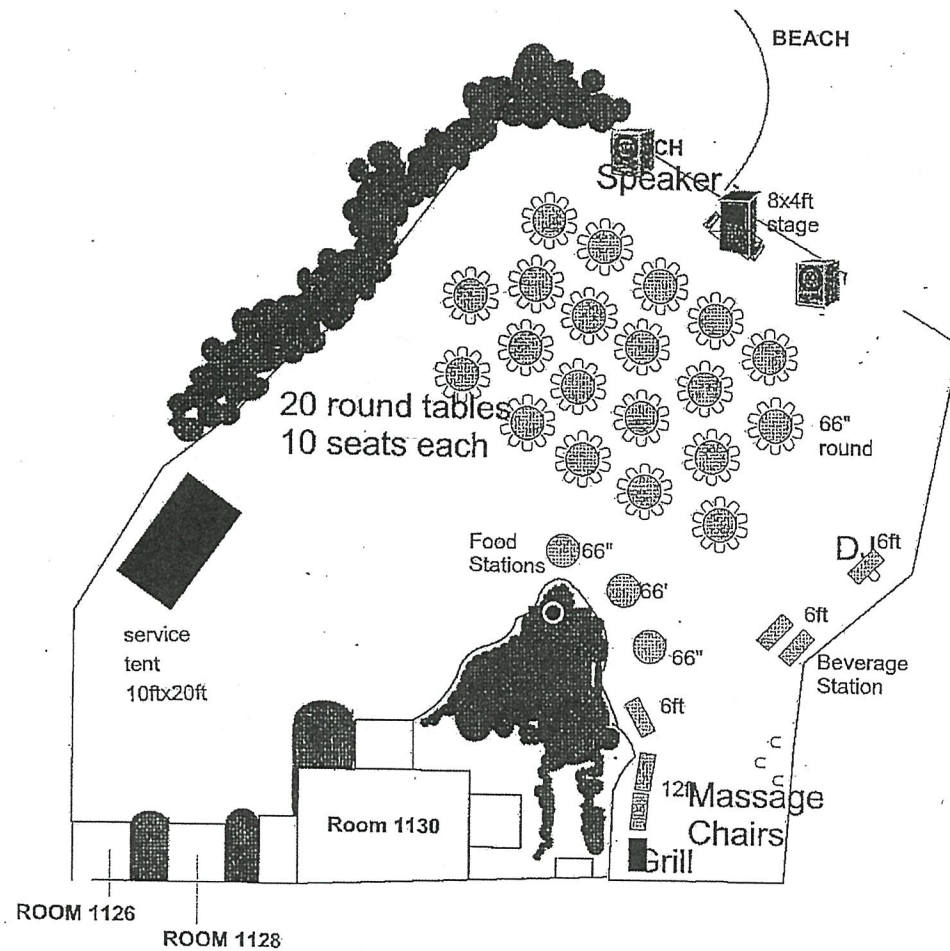


Dinner 4-4-2019



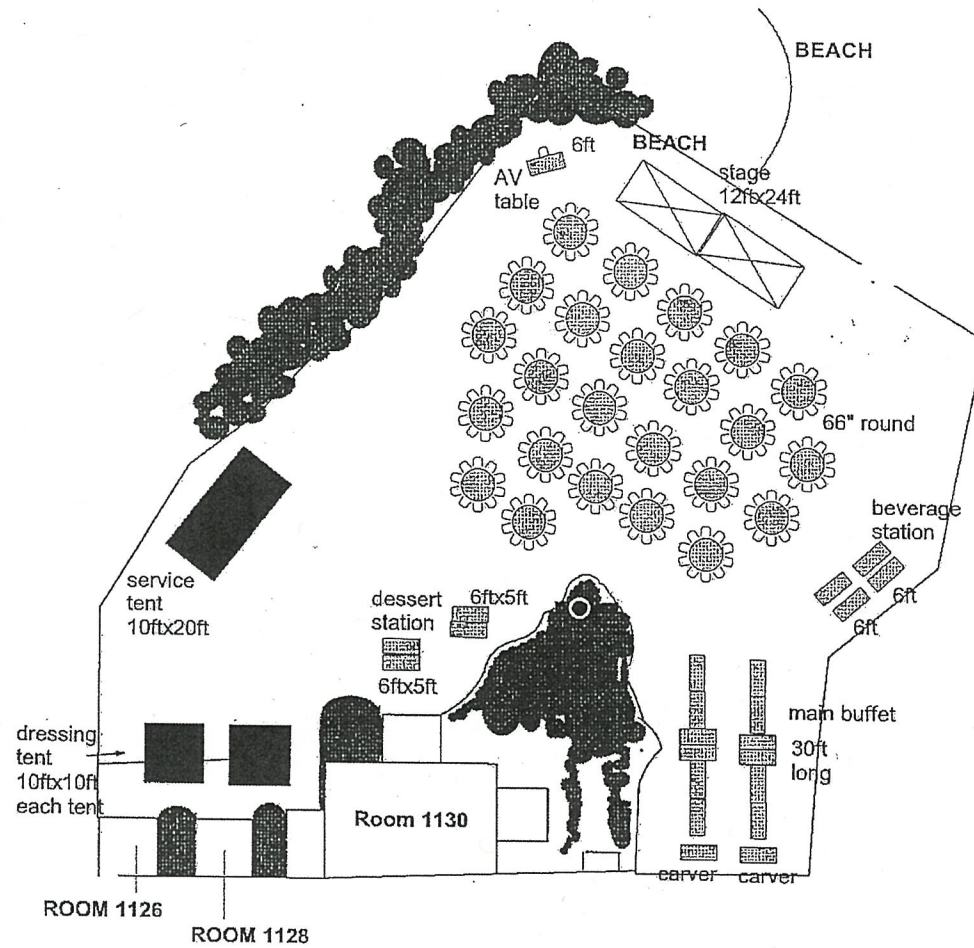
KOKOHEAD LAWN

Meeting and Lunch 4-13-2019 and 4-14-2019



KOKOHEAD LAWN

Dinner 9-9-2019



KOKOHEAD LAWN