

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

September 13, 2019

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

OAHU

Issuance of Right-of-Entry Permit to Resorttrust Hawaii, LLC for Private Event Purposes to be held on September 29, 2019 at the Grassy Area Fronting Kahala Hotel; 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: portions of 041 as shown on the map labelled as **Exhibit A**.

AREA:

Site G1 - 2,309 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:

Private Event Purposes.

COMMENCEMENT DATE/TERM:

September 29, 2019 from 12:00 p.m. to 12:00 a.m.

RENTAL for ROE:

\$230.90 (One-time payment based on 10 cents per square feet per day).

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 <u> x </u>	NO
Registered business name confirmed:	YES <u> x </u>	NO
Applicant in good standing confirmed:	YES <u> x </u>	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**¹, requests Board authorization for right-of-entry permit over portion of the grassy area fronting the hotel on the requested date for private event. Exhibit C provides a proposed layout of the event. Further, it cites “the sole component of the event that would take place on the State Parcel is a luau show (within the space designated as the “Luau Show Area” on the attached site plan). All food/drink

¹ Site marked as G2 on the map attached to Exhibit C is not covered in the subject request.

service and guest seating will be located on the Hotel property.” Staff notes that the requested area is on the grassy area mauka of the sandy beach, i.e. over the RP 7915 premises.

Previous requests for similar events were approved by the Board at its meeting on September 14, 2018, Item D-13 (for events on October 16 and 17, 2018) and March 22, 2019, Item D-7 (for events on April 4, 13, 14, and September 9, 2019). The approved locations are the same as the requested location., i.e. over portions of the grassy area.


The 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.

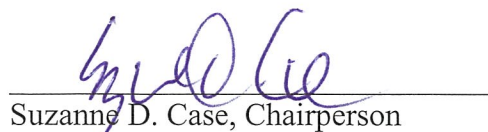
RECOMMENDATION: That the Board:

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 private event purposes on September 30, 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 private event on September 30, 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. Such activities have

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.

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DEPT. OF LAND
& NATURAL RESOURCES
STATE OF HAWAII

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OUR REFERENCE NO.:
067396-00006

August 22, 2019

VIA HAND DELIVERY

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

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

Dear Chairperson Case and Members of the Board:

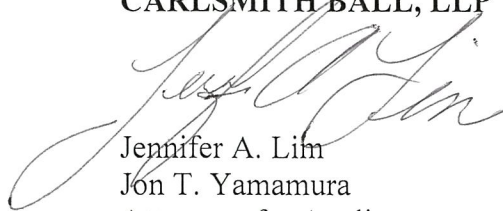
We are writing on behalf of Resorttrust Hawaii, LLC, the owner and operator of The Kahala Hotel & Resort (the "**H**otel") to provide an update to our letter dated August 1, 2019 requesting a Right-of-Entry permit ("**ROE**") allowing portions of a private event to take place on the State-owned parcel identified as Tax Map Key No. (1) 3-5-023: 041.

We have just been advised that there has been a change in the date for the proposed event. The proposed event is to take place on September 29, 2019, rather than September 30, 2019. All other information contained in our August 1, 2019 letter remains unchanged.

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

Sincerely,

CARLSMITH BALL, LLP



Jennifer A. Lim
Jon T. Yamamura
Attorneys for Applicant

cc: The Kahala Hotel & Resort
4840-8463-1202.1.067396-00006

EXHIBIT "C"

CARLSMITH BALL LLP

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August 1, 2019

OUR REFERENCE NO.:
067396-00006

RECEIVED
LAND DIVISION
2019 AUG -1 PM 4:23
DEPT. OF LAND &
NATURAL RESOURCES
STATE OF HAWAII

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 Event 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 portions of a private event 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 a single private event, which would utilize identified portions of the State Parcel (in addition to portions of the Hotel property) during the day and times specified below. The requested event would not preclude public access to the State Parcel. Details regarding the proposed event are set forth in the table below, and the attached map illustrates the general location where this event would take place (map depicting the "G1" event site). Also attached is a site plan depicting the anticipated layout of the event (i.e., the location of seating, tables, food and beverage stations, etc.). As the site plan illustrates, the majority of the event would take place on the Hotel property. The sole component of the event that would take place on the State Parcel is a luau show (within the space designated as the "Luau Show Area" on the attached site plan). All food/drink service and guest seating will be located on the Hotel property.

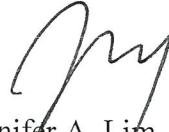
Suzanne D. Case, Chairperson
Board of Land and Natural Resources
August 1, 2019
Page 2

Date	Hours (including set up and breakdown)	Nature of Event	Size of Event (in approx. square feet); Location
September 30, 2019	12:00 p.m. - 12:00 a.m.	Corporate (dinner w/live entertainment)	G1 site; 2,309 sf

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



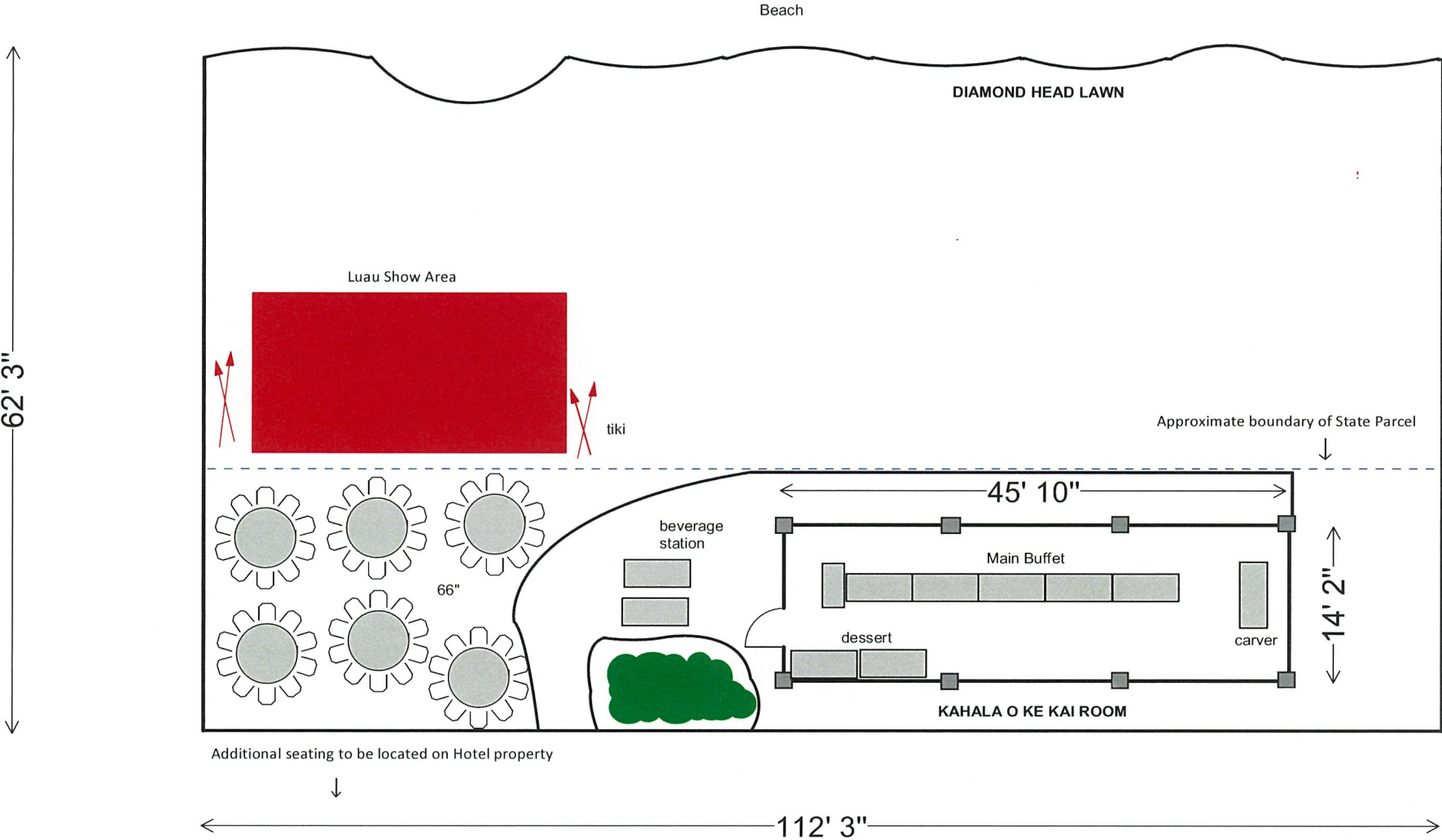
Jennifer A. Lim
Jon T. Yamamura
Attorneys for Resorttrust Hawaii, LLC

Enclosures

cc: The Kahala Hotel & Resort

4819-3203-9838.2.067396-00006

Luuu Dinner 9-30-19



KAHALA O KE KAI

