

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

November 12, 2021

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

Ref: RP 7915

Oahu

Annual Renewal of Revocable Permit 7915; Resorttrust Hawaii, LLC, Permittee;
Waialae, Honolulu, Oahu, Tax Map Key: (1) 3-5-023:041.

BACKGROUND:

Since Resorttrust Hawaii, LLC became the permittee of revocable permit (RP) over the State parcel designated as tax map key (1) 3-5-023:041 from 2016, staff has brought the case annually to the Board asking for renewal. At its meetings since 2016, the Board received testimony from the community and the hotel operator regarding the appropriateness of renewing the subject RP. At its meeting of October 23, 2020, under agenda item D-5,¹ the Board asked staff to work with the hotel, subject to Chairperson approval, to (i) delineate the mauka boundary of the State parcel that abuts the hotel property, and (ii) assure appropriate signage indicating the public is welcome on the reclaimed portion of the State parcel (i.e. grassy area) mauka of the shoreline. The Board authorized the renewal of the subject RP for one more year ending December 31, 2021.

After discussion with the hotel, an agreement was reached regarding the Board's 2020 directive. A copy of the Chairperson approval on October 8, 2021 is attached as **Exhibit 1** for the Board's reference. For the Board's information, the Department was not aware of any incident regarding public access to the subject RP area (i.e. grassy area) since October 2020.

Current monthly rent for the subject RP is \$1,360. Staff recommends increasing the monthly rent by the same rate (3%) approved by the Board on other RPs. The new monthly rent is shown below:

$$\$1,360 \times 1.03 = \$1,400.80, \text{ say, } \$1,400.$$

Upon approval of the subject renewal, staff will work the Department of the Attorney General and the hotel on any necessary documentation regarding the ongoing maintenance

¹ The 2020 submittal can be downloaded from the following link <https://dlnr.hawaii.gov/wp-content/uploads/2020/10/D-5.pdf>

of the signs described above.

HRS CHAPTER 343 – ENVIRONMENTAL ASSESSMENT:

In accordance with Hawaii Administrative Rules (“HAR”) § 11-200.1-16 and the Exemption List for the Department of Land and Natural Resources reviewed and concurred on by the Environmental Council on November 10, 2020, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Type No. 1, that states "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," and Part 1, item 41, which states, “lease of State land involving negligible or no expansion or change of use beyond that previously existing.” The subject request is a de minimis action that will probably have minimal or no significant effect on the environment and should be declared exempt from the preparation of an environmental assessment and the requirements of § 11-200.1-17, HAR.

RECOMMENDATION: That the Board:

1. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, Hawaii Revised Statutes, and Chapter 11-200.1, 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 as a de minimis action.
2. Approve the continuation of Revocable Permit No. 7915 on a month-to-month basis for another one-year period from January 1, 2022 through December 31, 2022 further subject to the following amendments:
 - A. Monthly rent of \$1,400.
 - B. Review and approval by the Department of the Attorney General.

Respectfully Submitted,

Barry Cheung

Barry Cheung
District Land Agent

APPROVED FOR SUBMITTAL:

Suzanne D. Case

Suzanne D. Case, Chairperson
RT

DAVID Y. IGE
GOVERNOR OF HAWAII



**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES**

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

October 8, 2021

SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

ROBERT K. MASUDA
FIRST DEPUTY

M. KALEO MANUEL
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

Ref: RP 7915

MEMORANDUM:

TO: Suzanne D. Case, Chairperson
Board of Land and Natural Resources

THROUGH: Russell Y. Tsuji, Administrator
Land Division

FROM: Barry Cheung, Oahu District Land Agent *Barry Cheung*
Land Division

SUBJECT: Installation of Signs for Public Access, Honolulu, Oahu; TMK (1) 3-5-023:041

As part of the renewal conditions of Revocable Permit No. 7915 considered by the Board at its meeting of October 23, 2020, agenda item D-5, the Board asked the staff to work with the subject permittee, further subject to Chairperson's approval, to delineate the mauka boundary of the State parcel that abuts the hotel property, and assure appropriate signage indicating the public is welcome on the lawn area.

Department of Accounting and General Services, Survey Division, assisted in locating five (5) points¹ on the ground showing the boundary separating the public lands and the hotel property. See **Exhibits A-1 to A-5** for the specific locations as marked by the orange cones thereon.

The sign at the entrance to the lawn area on the Waikiki side of the property (**Exhibit B**) will be replaced by a more articulated signage (Option 2 shown on **Exhibit C**) with a sample of the ground plaque (**Exhibit D**) depicting the mauka boundary of the public lands.

Staff called the Department of Planning and Permitting ("DPP") and inquired whether any permit is needed for the proposed installation of signs. Staff explained to DPP that the signs are intended to inform the general public of the public access over the lawn and carry no commercial component. DPP responded that no permit is required as there is no commercial element on the signs.

Staff recommends accepting the proposed signage and locations.

¹ The first point (Exhibit A-1) located on the town side of the subject property is not within the revocable permit area. Therefore, the ground plaque will not be installed at the first point.

EXHIBIT "1"

Upon your approval, staff will inform the hotel to proceed with installation. Furthermore, staff will report to the Board on the sign installation in the upcoming annual renewal of the subject revocable permit.

APPROVED:

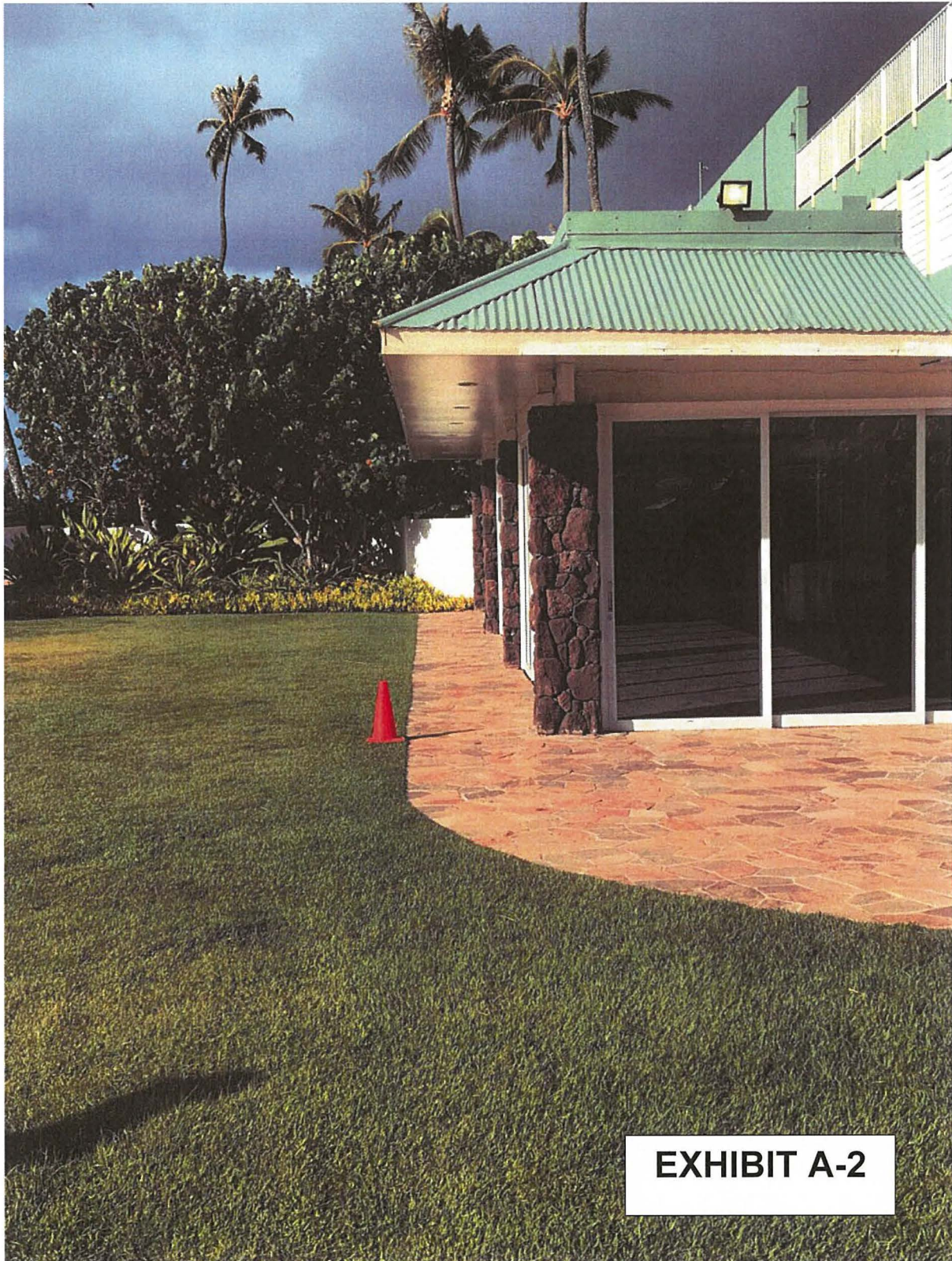
Suzanne D. Case

Suzanne D. Case, Chairperson *RT*

Date:



EXHIBIT A-1



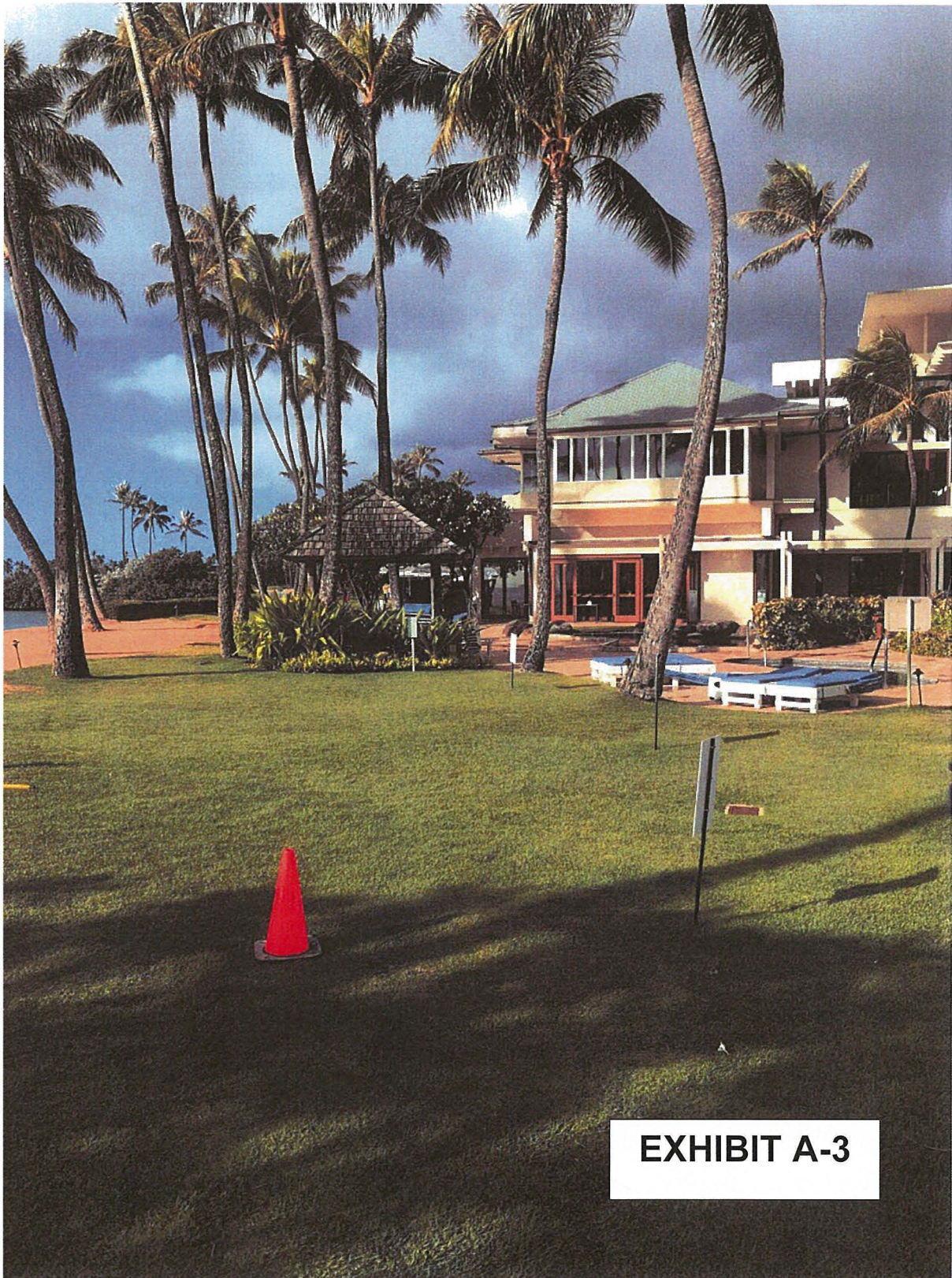




EXHIBIT A-4

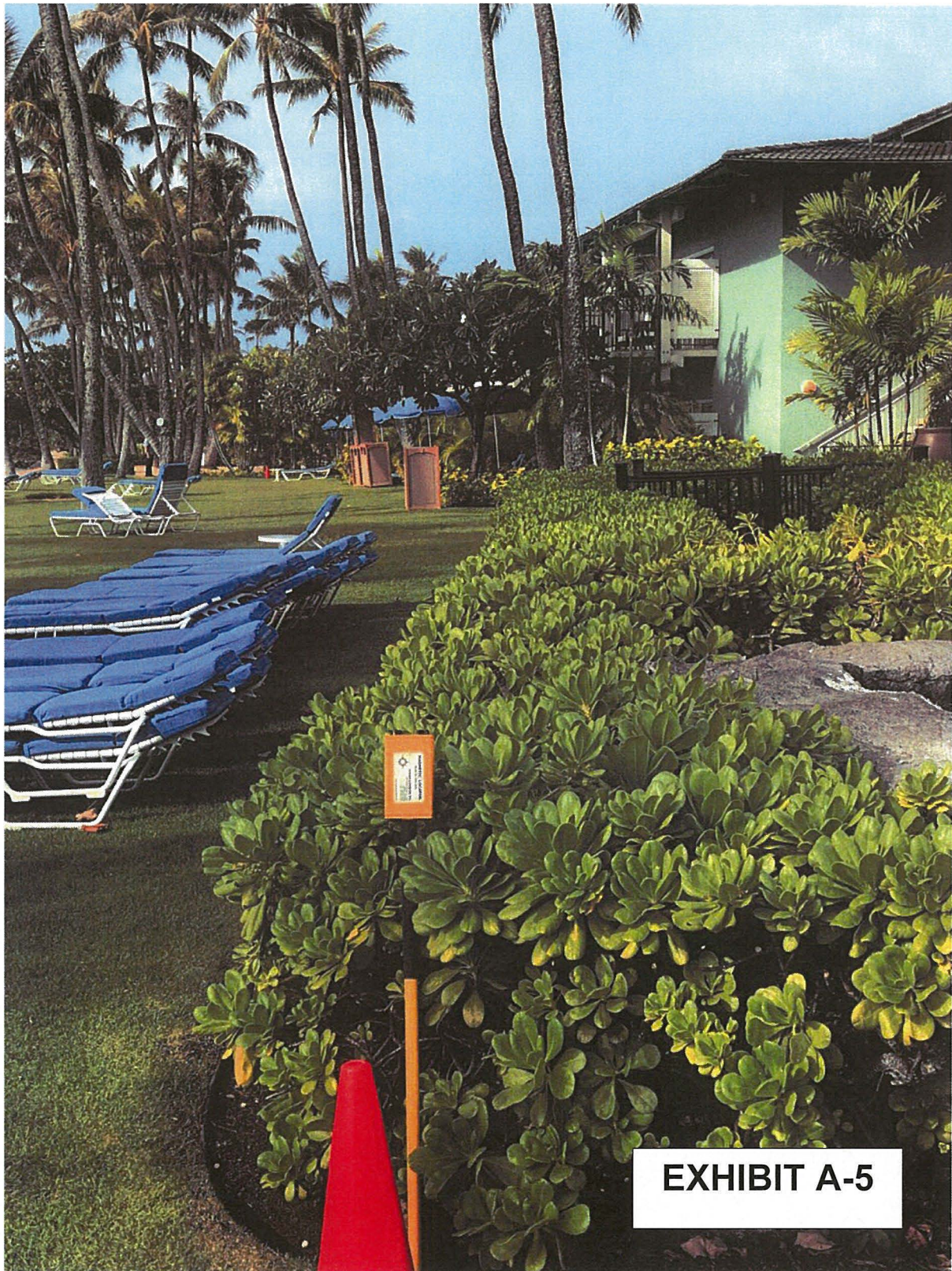


EXHIBIT A-5



EXHIBIT B

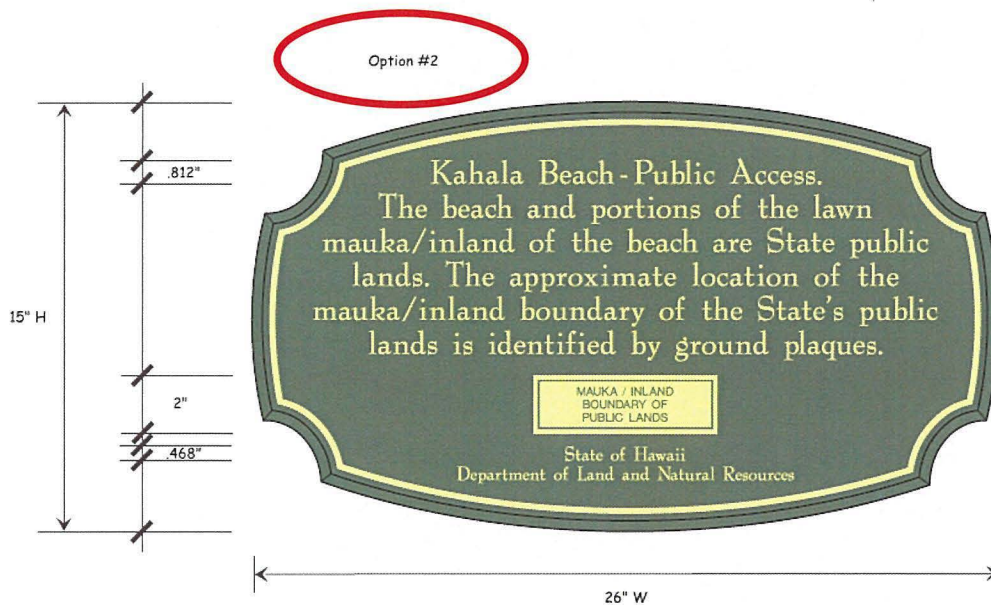
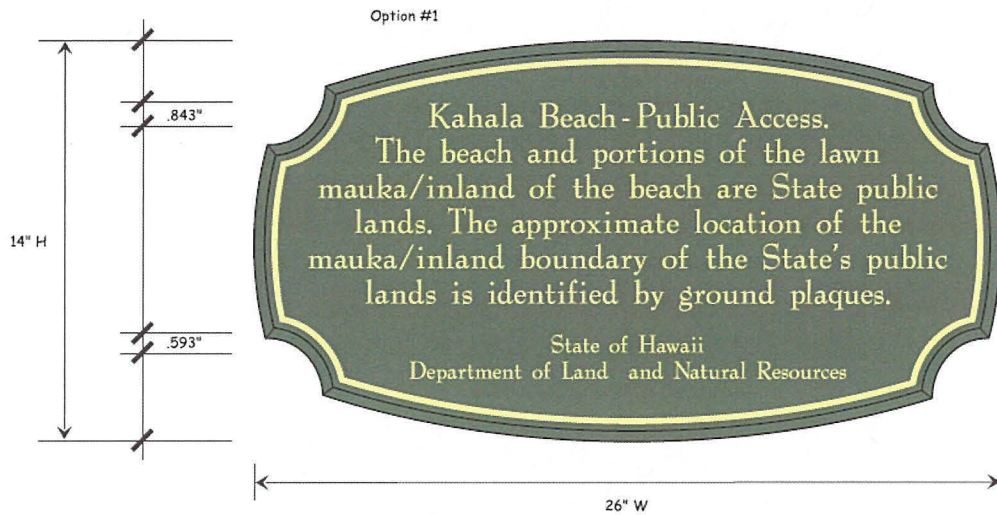


EXHIBIT C

Scale: 3/16" = 1"

Honolulu Sign Co., Ltd.
Contact Terry Date 9/15/21
Phone 808-847-4047
E-Mail terry@honoluluisign.com

CLIENT The Kahala Resort & Spa
WORK ORDER # 194804-WTR
ART For Approval **DRAFT #** 3
PROD. ARTIST Cleto **PROD.** -----

JOB TYPE direct print on corian
FONTS Bernhardt Modern Roman
PRINT COLOR Kahala Yellow
BACKGROUND Kahala Dark Green

MATERIALS routed/painted corian
BORDER inset **CORNERS** -----
(SUB)SURFACE surface
QUANTITY 1

ORDER #: 5867668	CUSTOMER PO #: 92409-WTR MAUKA INLAND	SALESPERSON: Amanda B. @ ext.2537	DATE: 9/13/2021	Page: 1/1
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	ETCHED PLAQUE MATERIAL BRONZE SIZE 10 x 4 QTY 4 DEPTH 1/4" thick SHAPE Radius Corner BORDER BEVEL-Inset Single Line Border COPY Recessed Copy-Horizon Stroke FINISH Smooth w/Dk.Oxidized Surface COLOR 2025 Black SATIN Painted STYLE Helvetica CLEAR COAT Clear Lacquer for Gmd Install MOUNT Blind Mount 4" Studs PATTERN No	Cross section 			
	VERSION: 1 <table border="0"> <tr> <td>RAISED</td> <td>RECESSED</td> </tr> <tr> <td> BRONZE</td> <td> 2025 Black</td> </tr> </table>		RAISED	RECESSED	BRONZE
RAISED	RECESSED				
BRONZE	2025 Black				

Liliana Jach ext 2526	RTF: 1718118
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EXHIBIT D