

From: [David Kimo Frankel](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] for Nov. 12 meeting, Item D-10
Date: Monday, November 8, 2021 9:21:11 AM

Begin forwarded message:

From: David Kimo Frankel <davidkimofrankel@gmail.com>
Subject: Kahala Lot 41
Date: February 21, 2021 at 3:01:55 PM HST
To: "Tsuji, Russell Y" <Russell.Y.Tsuji@hawaii.gov>
Cc: Bill J Wynhoff <Bill.J.Wynhoff@hawaii.gov>, "Cheung, Barry W" <barry.w.cheung@hawaii.gov>, "Moore, Kevin E" <kevin.e.moore@hawaii.gov>, suzanne.case@hawaii.gov, chrisyuenz@hotmail.com

Four months ago, BLNR once again voted to renew the revocable permit for RTH's continued occupation of Lot 41. Although in prior years BLNR had prohibited commercial uses of Lot 41 and required public access and use, BLNR rejected Vernon Char's concerns regarding the hotel's pre-setting of beach chairs (for the exclusive use of hotel guests). The board voted, however, to require signage to indicate the line separating Lot 41 and hotel property as suggested by Mr. Char. Because there was some confusion in the discussion, I emailed Russell, Bill, Barry and Kevin regarding the need for demarcation on the Koko Head side of Lot 41. That email is below.

I was at the beach yesterday. And, unsurprisingly, no such signage has been installed.

I would like to ask that:

- (1) this email be forwarded to all members of BLNR;
- (2) this email be placed in the file;
- (3) you let me know if the department has deliberately decided not to enforce the condition and motion as adopted by the board, or whether the condition of approval has been amended in any way;
- (4) you require that RTH comply the the condition of approval immediately (it has had four months to get its act together); and
- (5) you require RTH to relocate its two "No entry without a mask" signs mauka to the real boundary separating public and private property.

I look forward to hearing from you.

On Oct 23, 2020, at 11:00 AM, David Kimo Frankel
<davidkimofrankel@hawaiiantel.net> wrote:

For your information, the line between the hotel property and Lot 41 is fairly well demarcated on the Diamond Head side of the property. But:

1. There is no evidence of any line on the Koko Head side — the side of the property that is most used.

2. In the center of the property — near the shower and the area where the restaurant used to operate on Lot 41 — the hotel has inaccurately demarcated the property boundary. First, there is a groomed hedge about 10 feet makai of the boundary that suggests that is the line. Second, more recently two of the “No entry without a mask” sign are on state property about 10-15 feet from the property boundary. In other words, the hotel has created an inaccurate impression of the line between public property and private property.

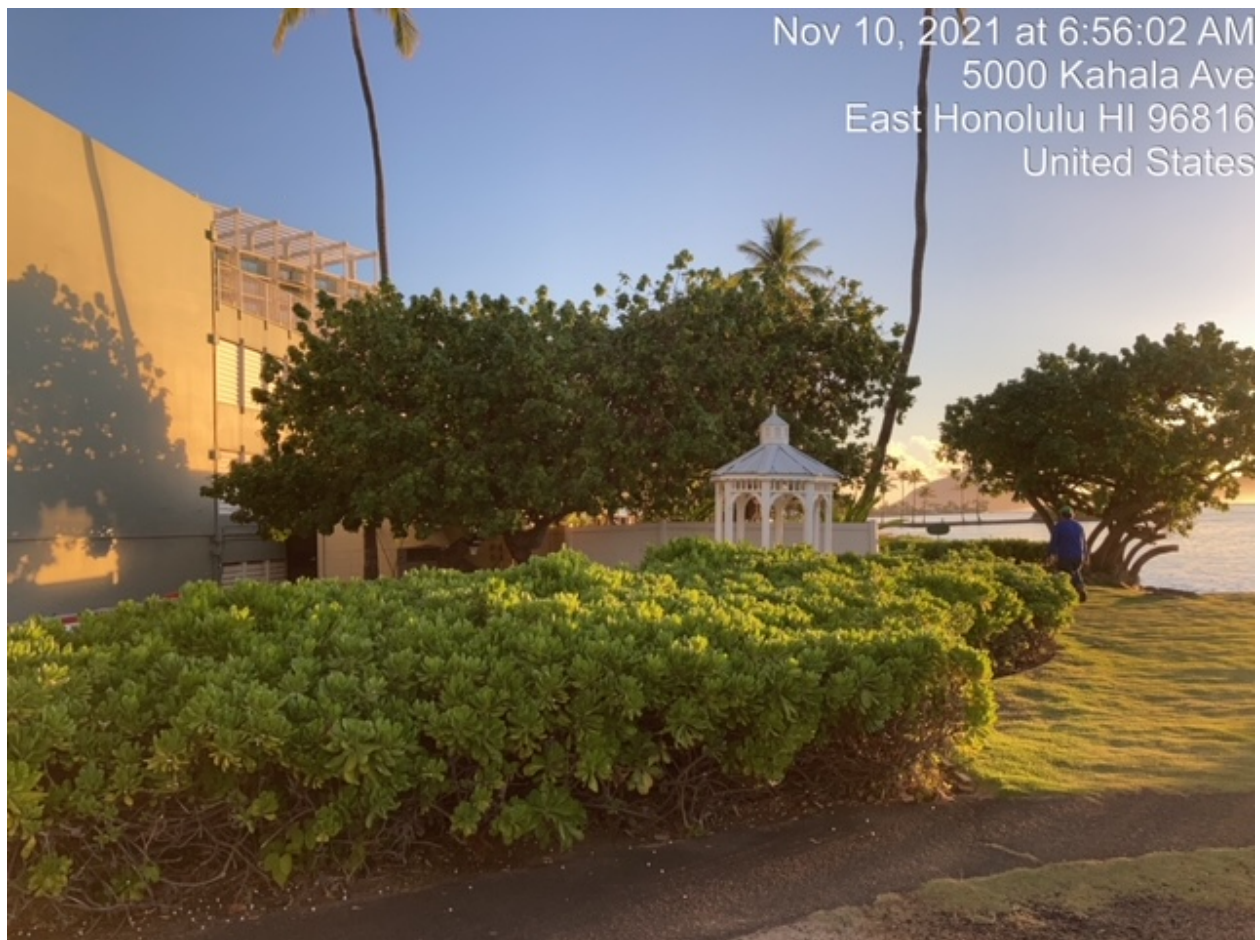
November 10, 2021

**Tyler Ralston's Testimony in Opposition to the Renewal of Revocable Permit 7915 for
Resorttrust Hawaii / Kahala Hotel, Item D-10 on the 11/12/21 Agenda**

Dear Chair Case and Members of the Board,

Please do not approve Revocable Permit No. 7915 as currently proposed, as it is inappropriate for Resorttrust Hawaii / Kahala Hotel (RTH) to continue to be allowed to preset any furniture and other items on this State land, especially after they continue to violate the terms of their existing permit on a daily basis since the permit was issued last year. RTH has been given years of opportunity to comply with the terms of their permits and every year they have demonstrated that they simply cannot abide by the terms of their permit.

For example, the existing permit does not allow for their gazebo to be stored on the State land. RTH consistently stores it well beyond the property line on State land. Below is a photo of this from Wednesday 11/10/21.



The current permit also does not allow for RTH to store beach chairs on the State land. RTH continues to store beach chairs on the State land every day of the year. Below is a photo of this taken this week, on Wednesday 11/10/21 showing chairs stored on State land.



The permit also does not allow for more than 71 chairs to be preset on the State land. RTH regularly has more than 71 chairs preset, as was the case on the morning of the above photos.

Although their current permit allows for up to 71 beach chairs to be preset on the parcel, there is no reason for such an allowance for RTH at the expense of the enjoyment and experience by the public of this parcel of State land. Many of us in the community like to enjoy the area at various times of the day, and having a bunch of unused beach chairs on the parcel is unsightly, clutter open space that the public could otherwise enjoy, and generally sends a message that this land is for hotel guests and not for the public. The photo below from 6:47 a.m. on Wednesday 11/10/21 shows a small sampling of the chairs RTH has preset on the land, with not a hotel guest around to use them.



The low hedge in the photo below, bordered RTH's illegal "Seaside Grill". While their illegal restaurant is gone, the hedges remain on State land, creating a barrier for the public to access the area Mauka of the hedges, and when combined with the mask signs that RTH has placed out onto State land (without permission) and not on the property line, conveys that the area is not for public use, but for hotel guests only. These low hedges need to be removed to welcome the public and the mask signs need to be removed from the State land.



Regarding proposed signage for the East end of the parcel, indicating the boundary between public and private land, to be placed flat in the ground, they will not be seen by anyone unless those persons are already on the grass, and even then it is likely that most people will not see those signs. The proposed sign wording, style, and placement will have zero functional effect in actually letting the public know where the boundary is AND that the public is welcomed on the grass as public land.

It would be more appropriate and much more effective to place three to four signs on posts on the Western portion of the parcel, three signs on posts on the central portion of the parcel, and four to five signs on posts on the Eastern portion of the parcel, all clearly indicating where the boundary is AND that the public is welcome up to the private property. Signs similar in size, style and appearance to the green sign proposed for the post on the Western edge of the parcel where the grass begins, would be appropriate.

It's been a year since signs indicating where the public / private boundary is were voted on and approved, and yet they are still not installed. How come this is still not done, and how come this has has taken so long?

In summary, please do not reward RTH again for their non-compliance by approving the permit continuation. Please only approve the permit for continuation if it is modified to dis-allow presetting of any furniture or other items, and only after appropriate signage on posts are installed, making clear the location of the boundary between and along the public private lands AND making clear that the public is welcomed on the grass.

Sincerely,
Tyler Ralston



November 10, 2021

VIA ELECTRONIC MAIL (blnr.testimony@hawaii.gov)

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

Re: November 12, 2021 Agenda Item D.10 - Annual Renewal of Revocable Permit No. 7915;
Resorttrust Hawaii, LLC, Permittee; Waialae, Honolulu, Oahu, Tax Map Key: (1) 3-5-023:041

Aloha Chairperson Case and Members of the Board of Land & Natural Resources:

The Kahala Hotel & Resort has been an integral part of the community for over 57 years, and our 500 employees reside across the island of Oahu. We are a proud member of the Waialae-Kahala area and have served both malihini and kama'aina for many years. We are seeking renewal of Revocable Permit 7915.

Last year members of the Board asked if The Kahala intended to meaningfully include kama'aina and the public, and I replied that was absolutely correct. Therefore, I would like to provide the Board an update of what has been undertaken since last year. As the first native Hawaiian, Kamehameha Schools Kapalama Alumni, and locally born and raised person to lead The Kahala Hotel & Resort as its General Manager, I have made cultural and environmental preservation, including community involvement, a primary focus of the future of The Kahala Hotel & Resort.

I believe that although The Kahala proudly provides luxury accommodations, the underlying vision is for The Kahala to pivot and be a place where guests, employees, area businesses, local schools, and the public are welcome to learn about the special area of Waialae-Kahala and the ahupua'a in which The Kahala resides. Our guests can engage with employees and the local community to better understand how our daily actions impact our environment and culture, and to learn how they can also engage in a pono way.

I have begun the work of organizing a Cultural Hui and an Environmental Hui, including private, public, and non-profit organizations to gather and discuss what we can do as a group to impact and preserve the Waialae-Kahala area for generations to come. Some of the members of these hui include the Waialae Country Club, Kahala Beach Apartments, Kahala Mall, Kahala Neighborhood Board, and non-profit organizations including Malama Maunaloa, Maunaloa Heritage Fishpond Center, and Ko'olau Mountain Watershed Partnership. Each hui has the goal of creating a group that represents our area, and that can be a mutual resource to bring awareness and education, and create initiatives that can preserve Hawaiian culture as well as our environment, the preservation of which is symbiotic to the preservation of the culture.

These groups meet every other month, and the focus through the pandemic has been on educating members about the cultural heritage sites within in our area starting with site visits, and developing an understanding of the wahi pana in Maunaloa. As we move into COVID recovery in 2022, we will be aiming to create programs to allow each of the member organizations to actively participate in supporting these heritage sites. It is my belief that we have a responsibility to educate, and education is how we will create impact.

Even through the pandemic, The Kahala has been able to create programs and events that were open to all. In 2021, we held several events to celebrate World Ocean's Day, Earth Day, and May Day. Activities were held in the lobby (following all safety protocols), allowing guests to engage with experts in reef restoration, forest reforestation, lauhala weaving, and other cultural activities. These were open to the public with no admission fees and validated parking was provided. To ensure community awareness, we utilized both radio ads and the local news. We will continue these initiatives moving forward.

We have created a live touch tank experience open to the public, where marine biologists who are actively researching coral restoration can engage and educate. We have a Keiki Art workshop open to kama'aina keiki, allowing them to create ocean inspired art and learn about environmental stewardship.¹ We are also presenting a Sunset Seminar Series which invites the community to engage and learn about culture and environmental preservation.² My intent is to run newspaper ads promoting the speakers and the seminars, which are open to the public.

I am also in the process of creating an environmental stewardship video, similar to what was recently released by Hawaiian airlines, but with a focus on the Waialae ahupua'a. This resource video will be used to educate about the connection and relationships between these areas and how actions and activities in each area are intrinsically connected to one another. I am also a member of HTA's Destination Management Action Plan Steering Committee for the island of Oahu,³ and helped develop the action plans proposed, all of which align with the vision of cultural and environmental preservation. The recommended plans place community engagement at the forefront, and focus on regenerative tourism where malihini engage with the community and learn how to enjoy the beauty and culture of Hawaii and all it has to offer in harmony. It is this shift, of creating tourism that educates malihini, which will allow us to preserve our island home for generations to come.

Our website has been updated to note that the beach and grassy area fronting The Kahala are public lands and open for the public to enjoy.⁴ Additionally, as required by the Board, we have worked with Department staff to delineate the mauka boundary of the State's RP property, and to design and have fabricated signage to make it more clear that the public is welcome to use the State RP property.

The existing sign at the Diamond Head side of the property that we installed in 2018 (see photo below) will be replaced with a sign that more clearly informs the public of its rights to use the State RP land.

¹ See Keiki Art In partnership with the Coral Resilience Lab at The Hawai'i Institute of Marine Biology, at <https://www.kahalaresort.com/Experiences/Calendar?view=weeklyEvents&category=0&start=11%2F08%2F2021>

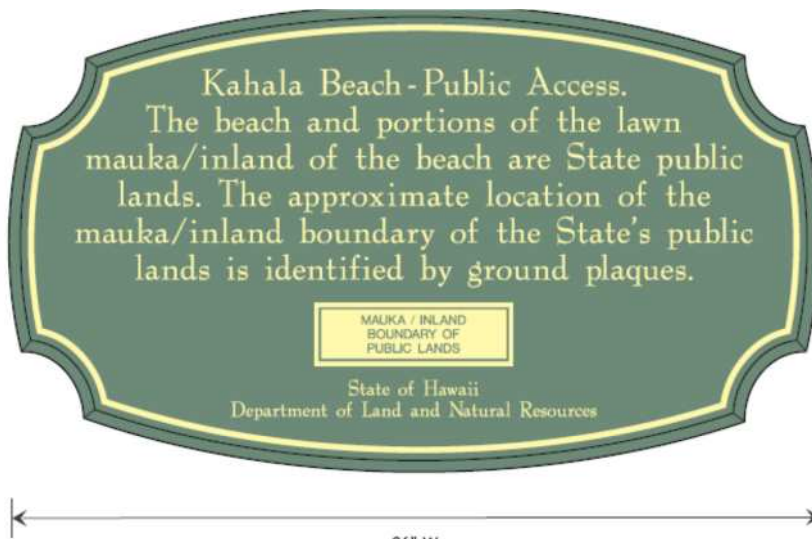
² See Sunset Seminar Series at The Kahala, at <https://www.kahalaresort.com/>

³ See <https://www.hawaii tourism authority.org/what-we-do/hta-programs/destination-management-action-plans/oahu/steering-committee/>

⁴ "This beautiful beach and grassy area fronting the resort is public land and available for public to enjoy." at <https://www.kahalaresort.com/Experiences/Pool-Beach>



Replacement signage provides as follows:



There have been some shipping and fabrication delays with our sign vendor and the company they source from. However, we have been assured that this new sign will be ready installation by November 17. Of course, our existing shoreline public access signage remains in place. See enclosed photos dated 9/19/2019.

To correspond with the new signage presented above, we have four ground plaques in the process of fabrication. See photo below showing design. To be precise, one was delivered to our sign vendor on November 9, while the other three are still en route. We expect to have complete delivery and installation by November 17. These plaques will be placed along the mauka boundary of the State RP property at the four locations approved by Chair Case, as identified in the Department's staff report.



In addition, although not an express requirement of the Board, we have recently added signage to make it more clear that the fresh water shower is open to the public.



We continue to clean and maintain the public beach fronting The Kahala as well as the State RP property. Maintenance costs for the year 2021 are approximately \$70,000.00 . The public also has access to use the two restroom facilities adjacent to Seaside Grill restaurant, which is located on hotel property. There is no key system and the restrooms are completely accessible to the public and unsecured from 6am to 10pm daily. For security and cleaning purposes the restrooms are cleaned and secured from 10pm to 6am. The nearest official public restroom is at Waialae Beach Park, a six minute walk from the beach fronting The Kahala.



Photo of beach area, looking toward Koko Head.

The uses authorized under the RP paired with the obligation to clean, maintain, and insure the State property, as well as pay rent to the State, strike an appropriate balance. In addition to the economic benefits to the State through the payment of RP rent and avoided maintenance costs, The Kahala's stewardship under the RP has enhanced public use and enjoyment of the beach and RP premises, and protected the resource not only through keeping the area pristine and open, but also by providing a fresh water shower for public use.



Looking toward Koko Head.



Looking toward Diamond Head.

In summary, The Kahala Hotel & Resort understands its responsibility in providing a venue for education of culture and environmental stewardship. We are committed to ensuring that The Kahala is seen within the community not only as a center for luxury accommodations and food and beverage, but also as a resource and learning center for the community. I humbly request that we be granted approval for the renewal of Revocable Permit 7915.

Malama Pono,

Joe Ibarra
General Manager

`A `ohe hana nui ke alu `ia
No task is too big when done together by all
Olelo No`eau 141

Enclosures
4890-6915-7891.1.067396-00006





PHOTO TAKEN 9/19/2019



PHOTO TAKEN 9/19/2019