

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

October 13, 2023

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

PSF No. 23OD-079

Oahu

Issuance of Right-of-Entry Permit to Hilton Hawaiian Village, LLC for Sand Placement Project, Waikiki, Honolulu, Oahu, Identified as Tax Map Key: (1) 2-3-037: portion of 021.

APPLICANT:

Hilton Hawaiian Village, LLC, a Delaware limited liability company.

LEGAL REFERENCE:

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

LOCATION:

Portion of State lands on Duke Kahanamoku Beach fronting Hilton Hawaiian Village in Honolulu, Oahu, identified as tax map key: (1) 2-3-037: portion of 021, as shown on the attached **Exhibits A-1 and A-2**.

AREA:

Approximately seven-tenths (0.7) of an acre.

ZONING:

State Land Use District: Urban
City & County of Honolulu Zoning District: Public Precinct, Resort Mixed Use Precinct (Waikiki Special District)

TRUST LAND STATUS:

Section 5(a) lands of the Hawaii Admission Act
DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: No

CURRENT USE STATUS:

Requested area is unencumbered.

CHARACTER OF USE:

Right of entry for sand placement project.

TERM:

Thirty (30) days, beginning on the date the permit is executed.

RENTAL:

Gratis. The requested use is a sand placement project that serves as an alternative to erosion control through beach hardening, consistent with Departmental policy. The requested use is not an income-generating activity.

COLLATERAL SECURITY DEPOSIT:

None

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with Hawaii Administrative Rules ("HAR") §§11-200.1-15 and -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 General Exemption Type 1, which applies to "[o]perations, repairs or maintenance of existing structures, facilities, equipment, or topographical features, involving minor expansion or minor change of use beyond that previously existing." Specifically, the subject request is exempt under Part 1, Item 44, which exempts "[p]ermits, licenses, registrations, and rights-of-entry issued by the Department that are routine in nature, involving negligible impacts 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 section 11-200.1-17, HAR.

DCCA VERIFICATION:

Place of business registration confirmed:	YES <u>x</u>	NO <u> </u>
Registered business name confirmed:	YES <u>x</u>	NO <u> </u>
Applicant in good standing confirmed:	YES <u>x</u>	NO <u> </u>

REMARKS:

The subject proposed project is intended to restore sand to the beach located seaward of the Hilton Hawaiian Village resort by placing up to 2,200 cubic yards of beach-quality sand on 0.7 acre of State land mauka of the shoreline and makai of Hilton Hawaiian Village's permitted boardwalk walkway. The project is expected to take place as a single event over 2 to 4 weeks. **(Exhibit B)**

The dry beach in this area is generally of low elevation, typically 4 to 6 feet above mean sea level. During high tide events with large south swells, the waves regularly overtop the beach face and inundate the sandy backshore. The Applicant is concerned that sea level rise will exacerbate inundation of the property and cause regular flooding. The sand to be placed pursuant to the proposed project will increase elevation in the project area by 1 to 3 feet to create an area with elevation of 7 feet above sea level.

The placed sand for this project will be "Natural Inland" sand sourced from Pacific Aggregate quarry located in Waianae, Oahu. Grain size distribution and coloration of "Natural Inland" sand are close matches for the sand currently present at the project site based on samples collected from three locations within the project site and aggregated into a composite sample. According to OCCL, the Applicant's sand analysis is acceptable and the "Natural Inland" sand meets the criteria used by OCCL to show compatibility for beach nourishment projects based on median grain size, low silt content, and no course content. **(Exhibit C)**

The sand will be transported by dump truck to the project site via the adjacent Ala Wai Harbor public parking lot. Dump trucks will enter the parking lot, release sand to a staging area on the beach adjacent to the parking lot, and then exit the parking lot. Dump trucks will deliver approximately 500 cubic yards of sand per day to the project site. The Division of Boating and Ocean Recreation has confirmed to staff that no permit is required in this instance for use of the Ala Wai Harbor public parking lot because the dump trucks will not remain in the parking lot and will not interfere with public use of the parking lot. To protect the beach environment and minimize disruption to the public's access to and use of the beach, staff recommends that the right-of-entry permit exclude dump trucks from the beach area since it is possible to release the sand onto a staging area from the Ala Wai Harbor parking lot. **(Exhibit B)**

The proposed area for sand placement is located on Duke Kahanamoku Beach outside of the State Conservation District and mauka of the shoreline. The area is approximately 850 feet long by 25 to 40 feet wide and follows the curvature of the Hilton Hawaiian Village boardwalk starting from the eastern end of the boardwalk and continuing west past the hotel buildings and along the makai side of Duke Kahanamoku Lagoon. Sand will be distributed within the placement area using skid steers, small front-end loaders, or similar equipment. No work is planned in the water or on State submerged shoreline lands. **(Exhibit B)**

The proposed project involves the use of motorized equipment including skid steers, small

front-end loaders, or similar equipment on the beach area, mauka of State submerged lands at the shoreline, on land classified as Urban. The State beach land at issue in the present submittal is subject to daily use by large numbers of visitors and residents, is surrounded by urban development and infrastructure including the Hilton Hawaiian Village resort and the Ala Wai Harbor, and contains permitted commercial concessions. The Board has approved the use of these types of motorized equipment on similarly situated land in the past. However, because the proposed project will impact the public's ability to access and use portions of the public beach, staff recommends that the Applicant be required to post signage at the project site prior to commencing work and throughout the course of work informing the public of the temporary use of public land and notifying the public of beach areas that may be inaccessible during the course of the project.

The proposed project is not subject to regulations applicable to Small Scale Beach Nourishment (SSBN) projects because the subject location is not located within the Conservation District and, therefore, is not subject to regulation by the Office of Conservation and Coastal Lands (OCCL). OCCL has confirmed to staff that no OCCL permit is required for this proposed project because the State land at issue is not located within the Conservation District. However, if this project were to take place on State land subject to OCCL jurisdiction, it would likely meet the qualifications for Category II SSBN approval and exemption from the Environmental Assessment requirements of Chapter 343, Hawaii Revised Statutes, as it consists of placement of less than 10,000 cubic yards of appropriate carbonate sand on coastal land as a viable alternative to shoreline hardening.

Applicant has applied for a Special Management Area permit from the City & County of Honolulu. Staff recommends that the right-of-entry permit that is the subject of the present submittal be conditioned on presentation to the Chairperson of an approved City & County Special Management Area permit, or a determination by the City & County that such a permit is not required, prior to execution of the right-of-entry permit and prior to the Applicant's entry onto the subject land or commencement of work at the site.

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

There are no other pertinent issues or concerns regarding the subject request.

RECOMMENDATION: That the Board:

1. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and section 11-200.1-16, 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 activity.
2. Authorize the issuance of a right-of-entry permit to Hilton Hawaiian Village, LLC covering the subject area to conduct a sand placement project on State land under the terms and conditions cited above, which are by this reference incorporated herein and

further subject to the following:

- a. Submittal to the Chairperson of an approved Special Management Area permit from the City & County of Honolulu, or a determination by the City & County of Honolulu that no Special Management Area permit is required, for the subject proposed project before the requested right-of-entry permit is executed and before the Applicant enters onto or begins work on the subject State land;
- b. Posting of signage at the project site prior to commencing work and throughout the course of work informing the public of the temporary use of public land and notifying the public of beach areas that may be inaccessible during the course of the project;
- c. Exclusion of dump trucks from the beach area and requiring unloading of sand onto a staging area that does not require dump trucks to drive onto the beach;
- d. The standard terms and conditions of the most current right-of-entry form, as may be amended from time to time;
- e. Compliance with all terms and conditions of any applicable Special Management Area permit issued by the City & County of Honolulu; and
- f. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,



Rebecca L. Anderson
Shoreline Specialist

APPROVED FOR SUBMITTAL:



Dawn N. S. Chang, Chairperson

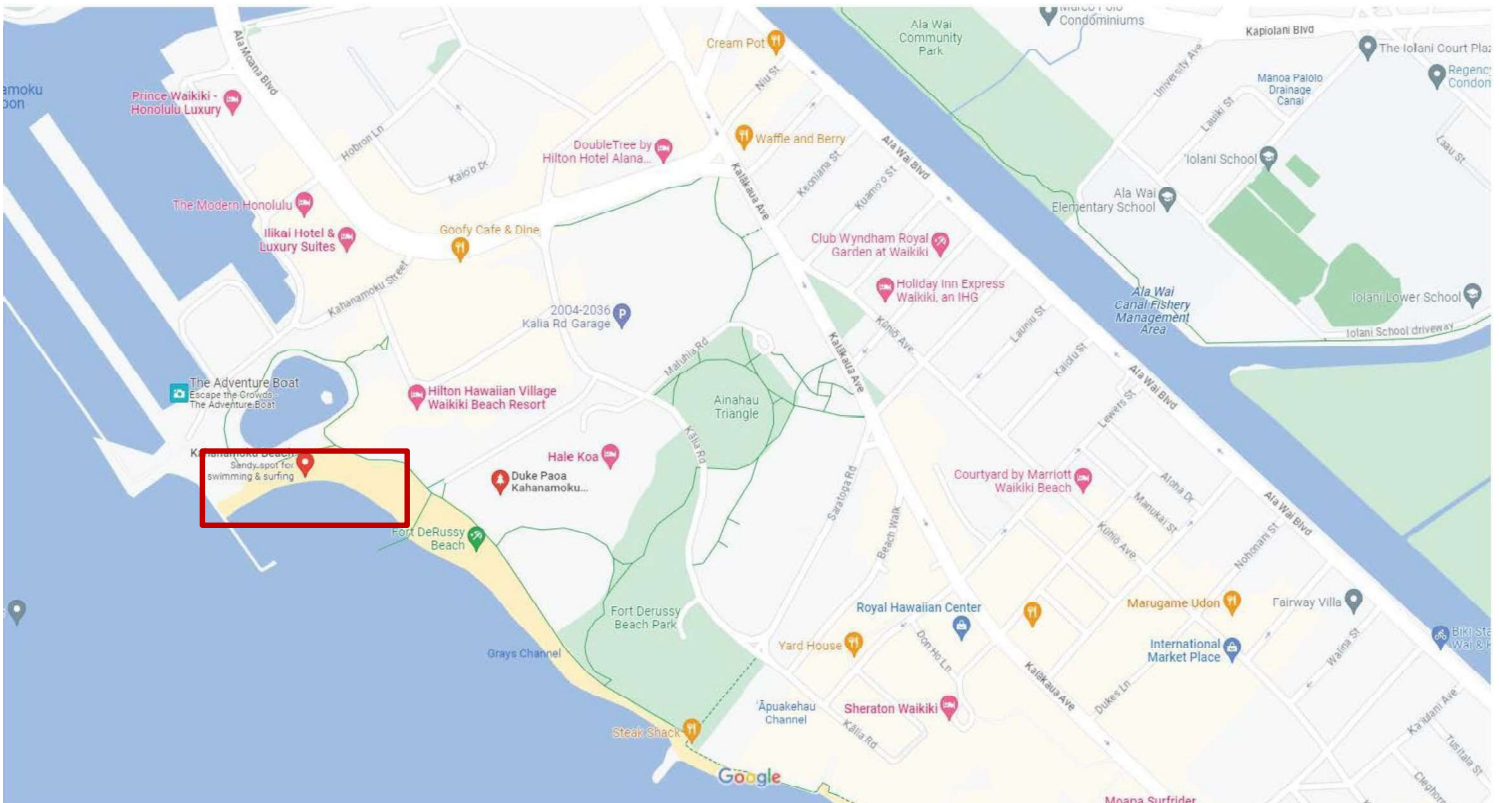
KEM

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TMK (1) 2-3-037: portion of 021



TMK (1) 2-3-037: portion of 021





Sea Engineering, Inc.

Makai Research Pier • 41-305 Kalanianaʻole Hwy • Waimanalo, Hawaii 96795-1820
Phone: (808) 259-7966 ext. 205 • E-mail: dsmith@seaengineering.com • Website: www.seaengineering.com

July 25, 2023

Mr. Barry Cheung
Land Division, Oahu District Branch
State of Hawaii Department of Land and Natural Resources
1151 Punchbowl Street, Room 220
Honolulu, HI 96813

SUBJECT: Request for State Lands for Right of Entry Permit
Hilton Hawaiian Village Sand Placement
2005 Kalia Road, Honolulu, HI 96815
Tax Map Key No: (1) 2-3-037:021

Dear Mr. Cheung:

Sea Engineering, Inc. (SEI) is acting as agent for the applicant, Hilton Hawaiian Village LLC. On behalf of our client, SEI is submitting the enclosed Request for State Lands requesting a Right of Entry Permit to enter State lands to place sand on the beach fronting the Hilton Hawaiian Village (HHV) resort located at 2005 Kalia Road, Honolulu, HI 96815; Tax Map Key No: (1) 2-3-037:021. The Request for State lands is included with this letter. This request replaces a similar request submitted to your office on June 22, 2023.

The beach fronting HHV is low elevation and subject to coastal flooding during periods of high tides and south swell. Hilton Hawaiian Village LLC wishes to place sand on the beach to raise the elevation. When queried, the Office of Conservation and Coastal Lands (OCCL) and the Division of Boating and Ocean Recreation (DOBOR) responded that their respective divisions did not have jurisdiction. A request for SMA permit determination request has been sent to the City. I will submit the findings to you when they become available.

Should you have any questions or desire additional information please contact me by telephone at 808-259-7966, ext. 205, or by email at dsmith@seaengineering.com.

Sincerely,

David A. Smith, PhD, PE
Senior Coastal Engineer

cc (via email): Michael Cain, DLNR Office of Conservation and Coastal Lands
Carl Mayfield, Hilton Hawaiian Village LLC

Attachment

EXHIBIT B

STATE OF HAWAII
DEPARTMENT OF LAND & NATURAL RESOURCES

REQUEST FOR STATE LANDS
APPLICATION FORM

For DLNR use only:

Date of request: _____
Date request recvd: _____
Date request no. issued: _____
Request number: _____
Land Code: _____
Unit Code: _____
Status: _____
Type of Request: _____
Assigned Land Agent: _____

I. APPLICANT

Should a land disposition result from your application, the following information will be used in the preparation of the legal documents. Therefore, please include all applicable, full legal names and addresses, one for each person/entity (attach additional sheets as necessary). If title is held by a trust, please include the trustee(s) name(s) and full description of the trust (e.g., George D. Smith, Trustee of the George D. Smith Revocable Living Trust dated June 1, 2001).

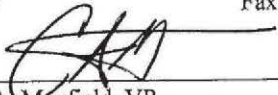
Applicant name(s): Hilton Hawaiian Village LLC
Last name First Name

Mailing address: c/o Park Hotels and Resorts, Attn: Carl Mayfield
1775 Tysons Blvd., 7th Floor
No. and Street

McLean VA 22102
City State Zip Code

Phone numbers: (571) 302-5760 N/A N/A
Work Home Cellular

N/A N/A cmayfield@pkhotelsandresorts.com
Pager Fax E-mail address

Signature:  Date: 10/19/23
Carl A. Mayfield, VP

Applicant intends to hold title as:

- Individual Corporation Partnership
- Husband and Wife Limited Liability Corporation Limited Partnership
- Trust Non-Profit Corporation Association
- Joint Venture Limited Liability Partnership
- Other (specify): _____

For individual or husband and wife, type of tenancy:

Tenant in Severalty Tenants in Common Joint Tenants Tenants by the Entirety

For individual, marital status:

Single Widow/widower Married – spouse of: _____

For partnership or corporation, state of incorporation: Hawaii

II. AGENT

If you have an attorney, consultant or other person processing this request for you, please include the following information.

Agent name: Smith David
Last name First Name

Agent address: 41-305 Kalaniana'ole Hwy
No. and Street

Waimanalo HI 96795
City State Zip Code

Phone numbers: (808) 259-7966 N/A (808) 561-7798
Work Home Cellular

N/A N/A dsmith@seaengineering.com
Pager Fax E-mail address

III. TYPE OF REQUEST

Right-of-entry (right to temporarily enter onto State lands for a specific purpose)

Grant of easement (access, utility, seawall, etc.)

Month-to-month revocable permit

Direct lease (eleemosynary organizations, public utilities, government, renewable energy producers, etc.)

Purchase of remnant

Land patent in confirmation of a Land Commission Award

Land license

Is this request being made to resolve an encroachment or other violation? Yes No

If yes, explain: _____

IV. LOCATION AND AREA

If your request pertains to a specific parcel, please specify below.

Island: Oahu Kauai Molokai
 Hawaii Maui

Town: Honolulu

Area: 0.7 acres/sq.ft. (circle one)

County Zoning: Commercial

State Land Use: Agricultural Rural
 Conservation Urban

Is property located in a Special Management Area?
 Yes No

V. USE

Identify the specific uses intended.

- Agriculture Easement - Access
 Business/Commercial Easement - Utility
 Industrial Easement - Seawall
 Pasture
 Other (specify): Sand Placement

A. Fully describe your proposed use of the public lands:

Hilton Hawaiian Village LLC (Applicant) is requesting authorization to enter State land (TMK (1) 2-3-037:021) to place sand on the beach between the Hilton Hawaiian Village (HHV) resort and the shoreline. The project parcel is owned by the State of Hawaii and covers approximately 22.4 acres. The parcel is bordered on the north by Hilton Hawaiian Village, on the west by the Ala Wai Small Boat Harbor, on the east by beach fronting Fort Derussy, and on the south by the Pacific Ocean. The parcel includes Kahanamoku Lagoon and a boardwalk that meanders around the lagoon, across the beach and past Fort Derussy Park. Project figures and photographs of the project site are included in Appendix A.

The dry beach is generally low elevation, with typical elevations between +4 ft and +6 ft above mean sea level (msl). During high tide events with large south swell, the waves regularly overtop the beach face and inundate the sandy backshore. HHV is concerned that sea level rise will exacerbate the inundation to the extent that their property and facilities will be regularly flooded. SEI and G70 completed an initial study in August

2020 that evaluated vulnerability of HHV to sea level rise and assessed mitigation options. The primary mitigation option, and the one that is proposed here, is sand placement on the makai side of the walkway. The placed sand would have elevation +7 ft msl and would be approximately 25 to 40 feet wide. The placed sand would cover approximately 0.7 acres. Construction access would be through the Ala Wai Small Boat Harbor parking lot. The authorization would be for a single sand placement event. During a site visit on May 8, 2023, beach sand samples were collected at three locations along each of three profiles and a composite sample was produced for each profile by combining the three samples. Sand samples were also collected from “Natural Inland” sand at the Pacific Aggregate quarry in Waianae. The grain size distribution and coloration for the beach sand are close matches with the “Natural Inland”; therefore, “Natural Inland” sand is proposed for use in this project.

The proposed work sequence is as follows:

1. Staging area and sand placement area will be marked by the contractor.
2. Dump trucks will transport approximately 500 cy of sand per day to the site. Construction equipment will access the site through the public parking lot at the Ala Wai Small Boat Harbor.
3. Sand will be dumped in the staging area or in the sand placement area, depending on the ability to maneuver the trucks on the sand. Dump trucks will be escorted while on the beach. Sand will be distributed in the designated placement site using skid steers, small front-end loaders, or similar equipment.
4. Construction duration is expected to be 2 to 4 weeks.

This application includes the following appendices:

APPENDIX A: Project Figures

APPENDIX B: Best Management Practices

APPENDIX C: Contingency Plan

APPENDIX D: Emergency Spill Response Plan

APPENDIX E: Contractor Certificate of Liability Insurance (COI)

- B. Attach a location map showing a preliminary sketch or plot plan of your proposed project in relation to the tax maps.

A project overview map is provided in Appendix A. All work would be performed on TMK (1) 2-3-037:021.

- C. Describe any improvements you intend to place on the land and their approximate value: The proposed work would involve placing sand along approximately 850 feet on the seaward side of the boardwalk. The project would require approximately 2,200 cubic yards of sand. The estimated cost of the project is \$1,000,000.

- D. If constructing improvements, attach a Plan of Development showing improvements to be constructed and their location on the public lands including a timeframe for construction.

See Appendix A for project figures.

The proposed work sequence is as follows:

1. Staging area and sand placement area will be marked by the contractor.
2. Dump trucks will transport approximately 500 cv of sand per day to the site.
Construction equipment will access the site through the public parking lot at the Ala Wai Small Boat Harbor.
3. Sand will be dumped in the staging area or in the sand placement area, depending on the ability to maneuver the trucks on the sand. The dump trucks will be escorted while on the beach. Sand will be distributed in the designated placement site using skid steers, small front-end loaders, or similar equipment.
4. Construction duration is expected to be 2 to 4 weeks.

- E. Is it your opinion that an environmental assessment is required? () Yes (X) No

If no, identify exemption: The proposed project is minor in scope and in accordance with Section 11-200.1-15, HAR, and the Exemption List for the Department of Land and Natural Resources (DLNR) reviewed and concurred by the Environmental Council on March 3, 2020, the subject request is exempt from the preparation of an environmental assessment pursuant to General Exemption Type 4, Minor Alterations in the conditions of land, water, or vegetation, Part 2, Item 4, which states "Beach restoration, sand dune restoration, and sand pushing activities of less than 10,000 cubic yards of beach quality sand".

If yes, describe completion of EA: _____

F. Describe what other permits or approvals are required for this use and whether you have obtained such permits or approvals:
No other permits are believed to be required. An SMA permit determination request has been submitted to the City and County of Honolulu Department of Planning and Permitting (DPP). That determination will be submitted to Land Division when it is available.

VI. OTHER


- A. If you are applying for a revocable permit for any type of use, you are required to provide the following information:
 - 1) Describe your qualifications and experience in running this type of operation; and
 - 2) Describe your long-term intentions for this operation. (Note: Revocable permits are temporary and may be revoked at any time.)
- B. **If you are applying for a revocable permit for pasture or agricultural use, you are required to complete Attachment A.**


VII. CERTIFICATION

I/We hereby certify that the statements and information contained in this application, including all attachments, are true and accurate to the best of my/our knowledge and understand that if any statements are shown to be false or misrepresented, this application may be rejected or my/our lease/permit/agreement may be cancelled.

Carl Mayfield
Printed Name

David A. Smith
Printed Name

X 
Signature

X 
Signature

07/25/2023
Date

Hilton Hawaiian Village (HHV), Job No. 25950
Appendix A – Project Figures

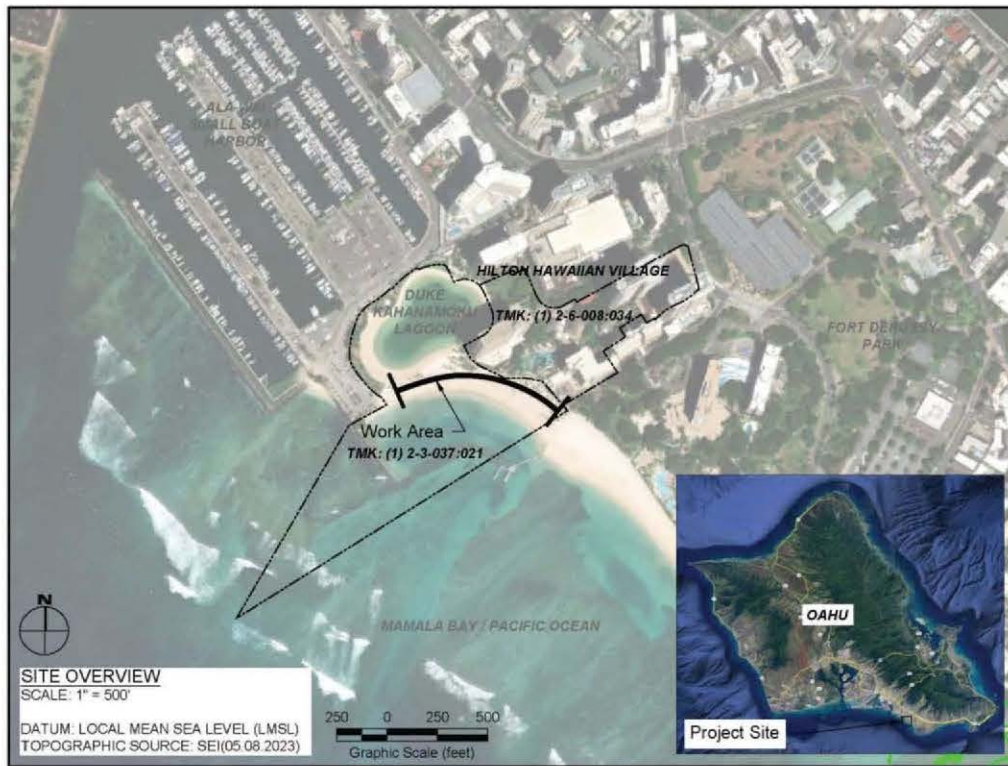


Figure 1. Vicinity map and project area. The project involves placing sand on the beach along the makai side of the beachwalk. The sand will be placed to be about 2 feet higher than existing ground and 25 to 40 feet wide. All work will be performed on parcel (1) 2-3-037:021.

Hilton Hawaiian Village (HHV), Job No. 25950
Appendix A – Project Figures

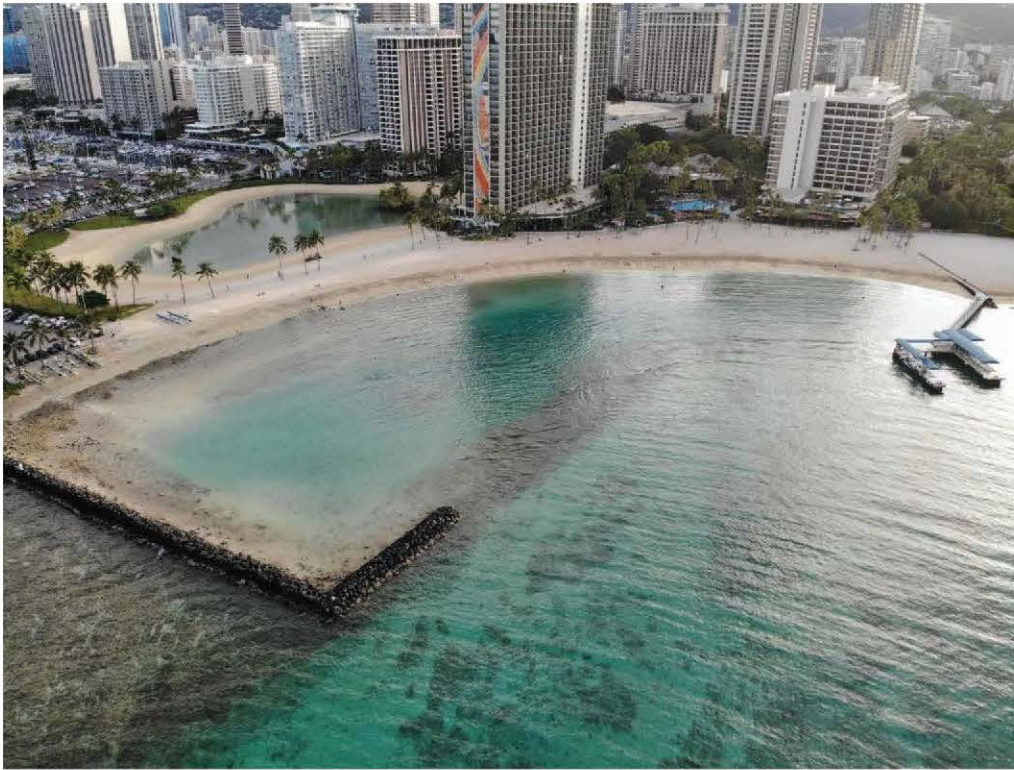


Figure 2. Oblique drone image of the project site. Construction equipment will access the project site from the parking lot at the middle left edge of the photograph.

Hilton Hawaiian Village (HHV), Job No. 25950
Appendix A – Project Figures



Figure 3. Photographs of backshore flooding resulting from high tides and south swell (photo date June 4, 2020). This condition is most severe during summer King tides and can be expected to worsen with increasing sea levels.

Hilton Hawaiian Village (HHV), Job No. 25950
Appendix A – Project Figures

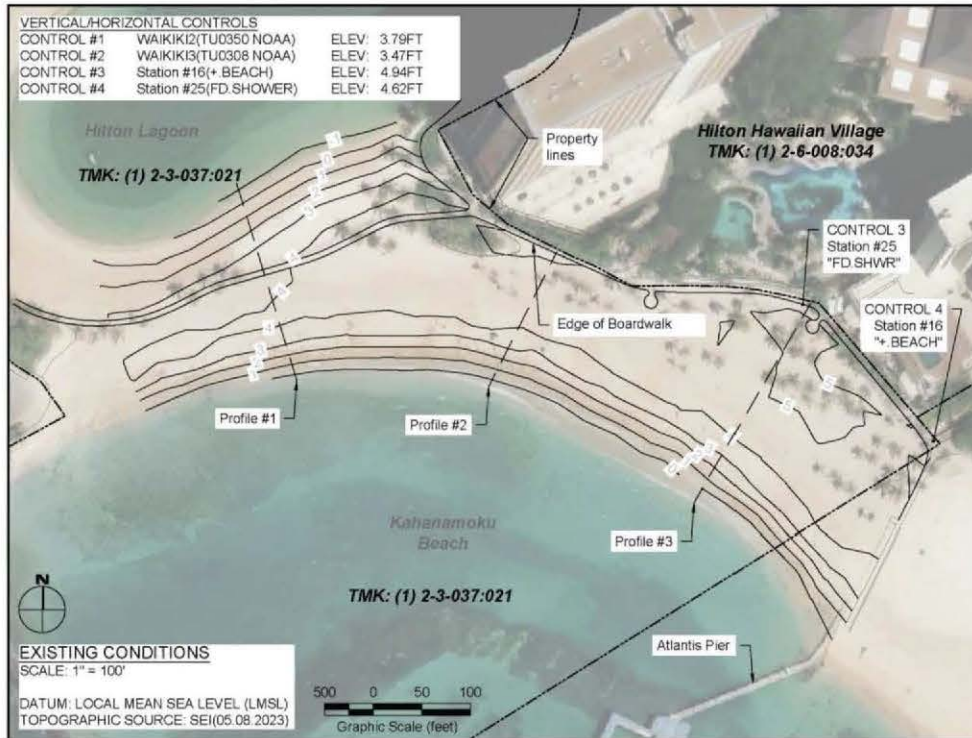


Figure 4. Topographic survey showing existing beach conditions. The beach slopes up from the water, then down toward the lagoon. The boardwalk runs approximately along the highest part of the beach with typical elevations ranging from +4.5 ft to +6 ft above mean sea level (msl).

Hilton Hawaiian Village (HHV), Job No. 25950
Appendix A – Project Figures

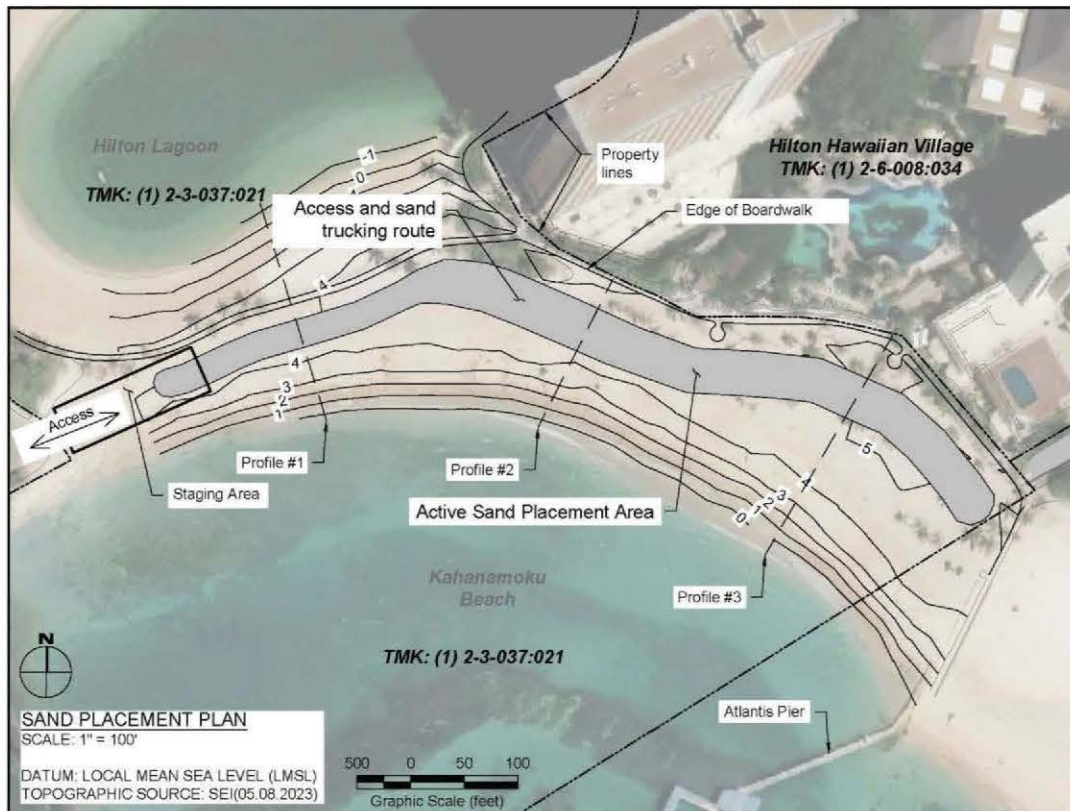


Figure 5. Proposed sand placement plan on beach. The project involves placing sand on the beach along the seaward side of the boardwalk. The sand will be placed about 2 feet higher than existing ground and 25 to 40 feet wide. Construction equipment will access the project site from the parking lot in the middle left of the photograph. All work will be performed on parcel (1) 2-3-037:021.

Hilton Hawaiian Village (HHV), Job No. 25950
Appendix A – Project Figures

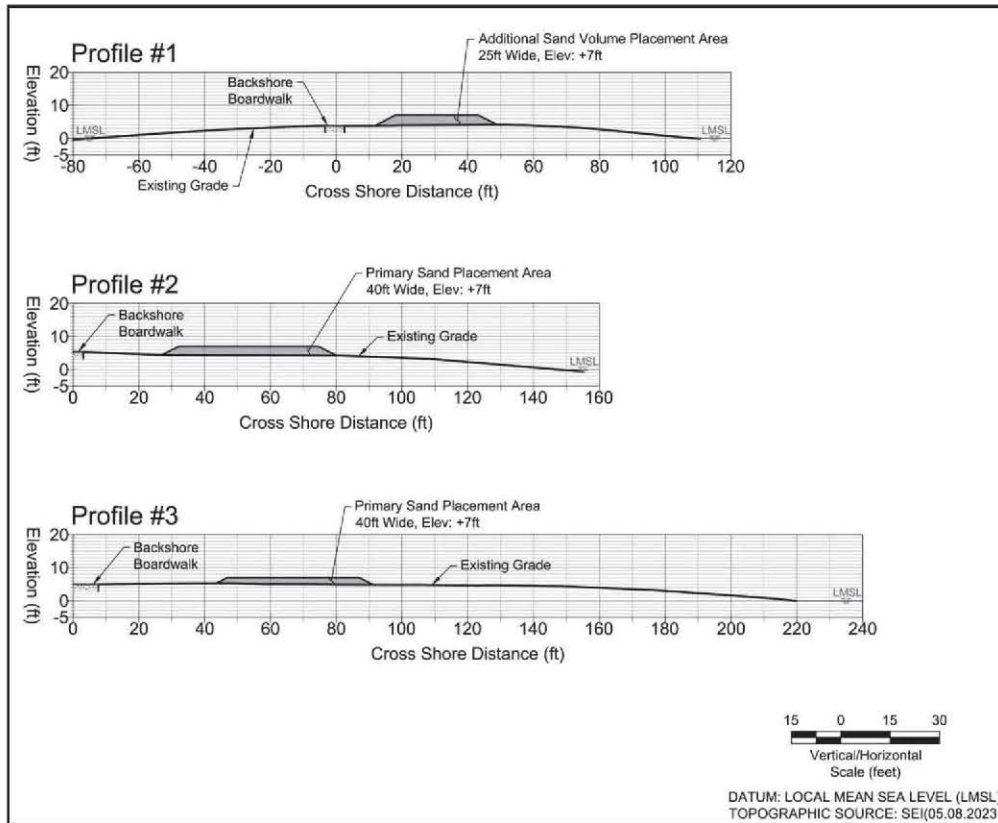


Figure 6. Existing and proposed beach profiles. The placed sand crest will be at elevation +7 ft, which is about 2 feet higher than existing ground. The placed sand will be 25 to 40 feet wide.

Hilton Hawaiian Village (HHV), Job No. 25950
Appendix A – Project Figures

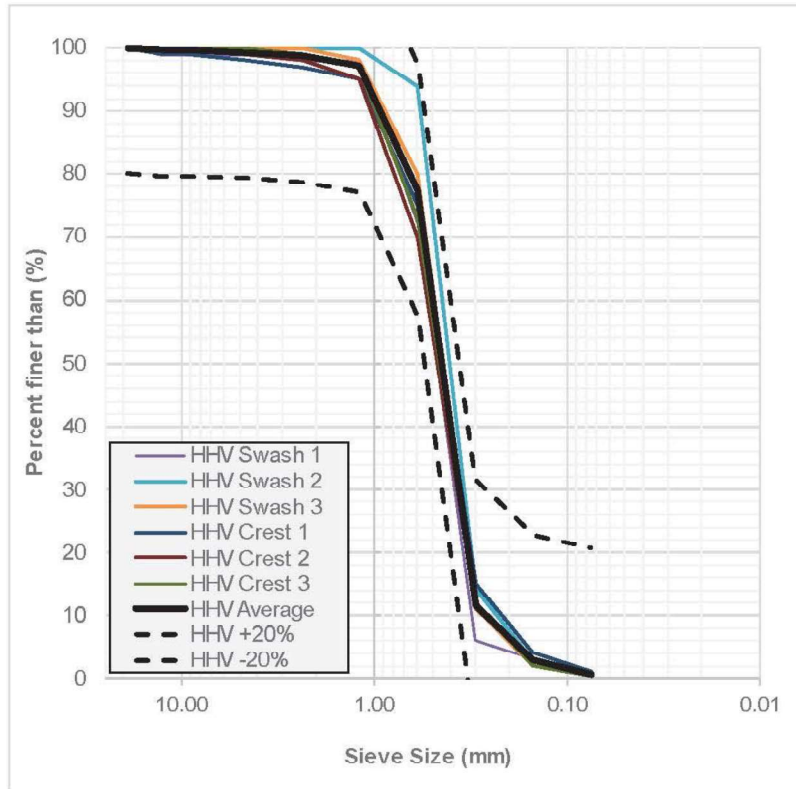


Figure 7. Grain size distributions of native beach sand. Sand samples were obtained along three profiles. The grain size distribution for each sample is shown, along with a composite distribution of all beach sand samples.

Hilton Hawaiian Village (HHV), Job No. 25950
Appendix A – Project Figures

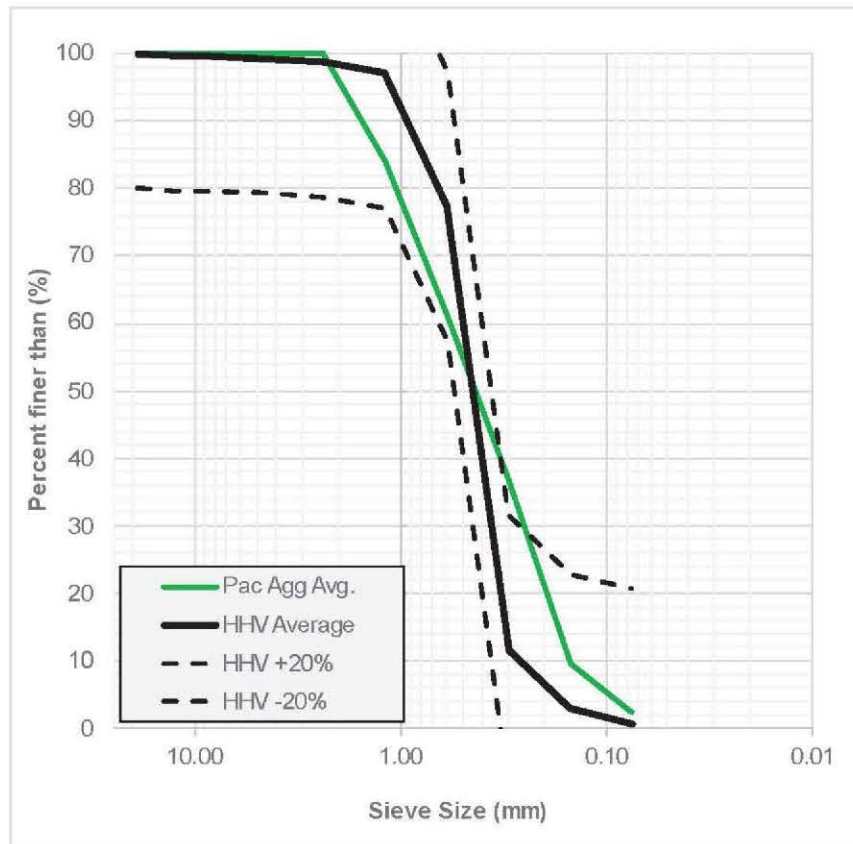


Figure 8. Grain size distribution comparison between native beach sand (composite distribution) and Pacific Aggregate “Natural Inland” sand. Also shown are the +/-20% lines used by OCCL to show compatibility on beach nourishment projects. OCCL also requires less than 6% fines and less than 10% coarse material. The graph shows that the Pacific Aggregate sand is compatible with the native beach sand, with little silt content, no coarse content, and equivalent median grain size.

Hilton Hawaiian Village (HHV), Job No. 25950
Appendix A – Project Figures



Figure 9. Photograph of Pacific Aggregate's "Natural Inland" sand (Date: May 25, 2023)

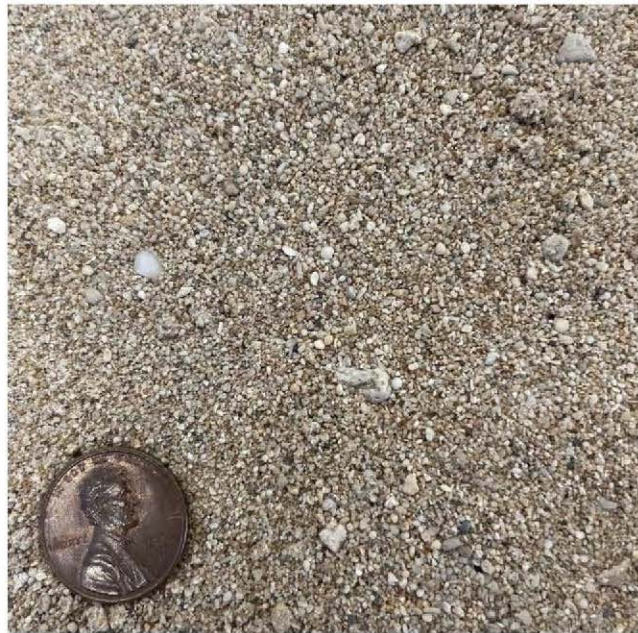


Figure 10. Photographs showing sand grain coloration (Top – native beach, Bottom – “Natural Inland” sand).