

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

December 7, 2023

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

PSF: 23KD-119

Kauai

Issuance of Term, Non-Exclusive Easements to RP21 Coco Palms LLC, Wailua, Kawaihau, Kauai, Tax Map Keys: (4) 4-1-003:044 and (4) 4-1-005:por. 017;

Issuance of Revocable Permit to RP21 Coco Palms LLC and Sale of Lease at Public Auction for Parking and Landscaping Purposes, Wailua, Kawaihau, Kauai, Tax Map Key: (4) 4-1-003:017; and

Immediate Right-of-Entry for Management Purposes to RP21 Coco Palms LLC, Wailua, Kawaihau, Kauai, Tax Map Keys: (4) 4-1-003:044, (4) 4-1-003:017 and (4) 4-1-005:por. 017.

EASEMENT, REVOCABLE PERMIT AND RIGHT-OF-ENTRY APPLICANT:

RP21 Coco Palms LLC, a Utah limited liability company.

LEGAL REFERENCE:

Sections 171-11, -13, -14, -16, -17, -41 and -55, Hawaii Revised Statutes, as amended.

LOCATIONS:

Portions of Government lands of Wailua situated at Kawaihau, Kauai, Hawaii, identified by Tax Map Keys: (4) 4-1-003:044 ("Parcel A"), (4) 4-1-003:017 ("Parcel B") and (4) 4-1-005:por. 017 ("Parcel C"), as shown on the attached maps labeled Exhibit 1, 2 and 3. The entire resort property is shown on attached maps labeled Exhibit 4.

AREA:

As shown on the attached maps labeled Exhibit 1, 2 and 3. See also table below.

TMK (4):	Parcel Letter	Parcel Area	RP Number	RP Area
4-1-003:044	Parcel A	17,964 sf	RP S-7407	460 sf
4-1-003:017	Parcel B	0.855 ac	RP S-7444	0.855 ac
4-1-005:017	Parcel C	5,244 sf	RP S-7613	5,224 sf

ZONING:

State Land Use District: Urban
County of Kauai CZO: R-10

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:

Parcel A (TMK: (4) 4-1-003:por of 044): Encumbered by Governor's Executive Order (EO) 2744 to the County of Kauai for Wailua sewage pumping station and emergency power generator, General lease (GL) S-4244, Coco Palms Ventures LLC, for a sewer easement and Revocable Permit No. S-7407, Coco Palms Ventures LLC, Permittee, for use and maintenance of driveway for vehicular access purposes. The driveway access is currently blocked off to traffic. RP S-7407 expires December 31, 2023.

Parcel B (TMK: (4) 4-1-003:017): Encumbered by Land Office Deed (LOD) No. S-12850, Coco Palms Ventures LLC, for a perpetual access easement, and Revocable Permit No. S-7444, Coco Palms Ventures LLC, Permittee, for parking and landscaping purposes. The lot is currently fenced off and occasionally being used for employee parking. RP S-7444 expires December 31, 2023.

Parcel C (TMK: (4) 4-1-005:017): Encumbered by EO 4317 to the Department of Transportation for bike and pedestrian path purposes as well as Revocable Permit No. S-7613, Coco Palms Ventures LLC, Permittee, for restaurant, landscaping, and related purposes. The restaurant is currently vacant, but the rock wall, stairs and cement pads are existing. RP S-7613 expires December 31, 2023.

EASEMENTS FOR PARCELS A AND C:**CHARACTER OF USE:**

Parcel A: Right, privilege and authority to construct, use, maintain and repair a right-of-way over, under and across State-owned land for access purposes.

Parcel C: For encroaching structures on State land (including portion of restaurant

structure, sidewalks, hardstands for outdoor dining tables) and landscaping purposes.

EASEMENT AREA:

Parcel A: 460 square feet, more or less.

Parcel C: 5,244 square feet, more or less.

EASEMENT TERM:

30 years.

COMMENCEMENT DATE:

To be determined by the Chairperson.

CONSIDERATION:

One-time payments to be determined by independent or staff appraisal establishing fair market rents, subject to review and approval by the Chairperson.

APPLICANT REQUIREMENTS FOR EASEMENTS:

Applicant shall be required to:

- 1) Pay for an appraisal to determine initial rent or one-time payment;
- 2) Provide survey maps and descriptions according to State DAGS standards and at Applicant's own cost; and
- 3) Obtain a title report to ascertain ownership, where necessary, at Applicant's own cost and subject to review and approval by the Department.

REVOCABLE PERMIT FOR PARCEL B:

CHARACTER OF USE:

Parcel B: For parking and landscaping purposes.

COMMENCEMENT DATE:

The first day of the month to be determined by the Chairperson.

MONTHLY RENTAL:

The monthly rental rate was derived from the current RP 2023 rental rates and increased by 3% per annum over the 2023 rents. On May 13, 2005, the Land Board established a Minimum Rent Policy that stated, among other things, that the minimum rent for new land dispositions be no less than \$480 per year. Any of the prior RP rents that were below \$480 per year were increased to the minimum \$40 per month.

Parcel A – RP S-7407 is currently \$13.79 per month. New recommended RP rent is \$40.00 per month.

COLLATERAL SECURITY DEPOSIT:

Twice the monthly rental.

JUSTIFICATION FOR REVOCABLE PERMIT FOR PARCEL B:

Awaiting long term lease for parking and landscaping purposes via public auction. Another circumstance is that this parcel has a perpetual driveway easement for access to main lobby area within the Coco Palms property (LOD 12850).

AUCTION LEASE OF PARCEL B:CHARACTER OF USE:

Parcel B: Parking and landscaping purposes.

LEASE TERM:

Forty (40) years.

COMMENCEMENT DATE:

The date of sale if the current occupant is the successful bidder, otherwise, sixty (60) days after the date of sale; provided that if such date is not on the first day of any month, the commencement date shall be the first day of the month following such date; and further provided that the Chairperson may amend the commencement date for good cause.

MINIMUM UPSET ANNUAL RENT:

To be determined by independent appraisal establishing fair market rent, subject to review and approval by the Chairperson. The appraisal shall determine the upset rent for land and improvements for the first 10 years of the lease, as well as the fair market rent for the second 10-year period of the lease to provide the successful bidder with rent certainty for the first 20 years of the lease. Rent for the remaining 20-year period of the lease shall be reopened in accordance with HRS Section 171-17(d), and the terms and conditions of the

State's most current standard form lease. The appraised rent should reflect a "net" lease where all maintenance obligations are the responsibility of the lessee.

METHOD OF PAYMENT:

Semi-annual payments, in advance.

RENTAL REOPENINGS:

At the 20th and 30th years of the lease term, by staff or independent appraisal.

PERFORMANCE BOND:

Twice the annual rental amount.

PROPERTY CHARACTERISTICS:

Utilities – None

Existing Improvements – None

Legal access to property – Staff has verified that there is legal access to the property off of Kuamoo Road.

Subdivision – Staff has verified that the subject property to be auctioned is a legally subdivided lot.

Encumbrances – Staff has verified that LOD 12850, Coco Palms Ventures LLC, for a perpetual access easement, exists on the property. The lease of the parcel will be sold at auction subject to the easement.

RIGHT-OF-ENTRY PERMIT FOR PARCELS A, B AND C:

CHARACTER OF USE:

Management and maintenance purposes.

RENT:

Parcel A: \$40.00 per month.

Parcel B: \$406.49 per month.

Parcel C: \$308.15 per month.

TERM:

The management and maintenance right-of-entry permits shall be effective January 1, 2024 and continue for one year or until the easements, RP and lease are prepared by the Attorney General and executed, whichever shall first occur. The Chairperson is authorized to continue any of the right-of-entry permits for additional one-year periods for good cause shown.

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 General Exemption Type 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,” Part 1, Item 39, that states, “Creation or termination of easement, covenants, or other rights in structures or land,” Item 40, that states, “Leases of state land involving negligible or no expansion or change of use beyond that previously existing,” and Item 44, that states, “Permits, licenses, registrations, and rights-of-entry issued by the Department that are routine in nature, involving negligible impacts beyond that previously existing,” The proposed issuance of easements, an RP, a lease and rights-of-entry over the subject lands are de minimis actions 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.

DCCA VERIFICATION:

Place of business registration confirmed:	YES
Registered business name confirmed:	YES
Applicant in good standing confirmed:	YES

REMARKS:

Brief history of Coco Palms:

Originally built in the 1940's, the development was known as Coco Palm Lodge with hotel guest rooms, lobby, and related facilities constructed on private property. On January 25, 1953, under the management of Island Holidays, Ltd., the property was renamed Coco Palms Resort.

In 1969, Amfac Hotels and Resorts Inc. (Amfac) purchased Island Holidays, Ltd. and the Coco Palms property.

In 1985, Amfac sold the property to Wailua Associates, who managed the hotel until Hurricane Iniki struck on September 11, 1992 causing substantial damage to the property.

In 2006, the hotel property was sold to Coco Palms Ventures, LLC (CPV). After years of planning, building permits, etc., with the economic downturn, CPV struggled to find new investors for this project and ultimately gave up on it.

Prudential Insurance PR II LLC acquired ownership of the property in 2012.

In May 2016, Coco Palms Hui LLC acquired ownership of the hotel property.

The Board of Land and Natural Resources (Board) approved new RPs to be issued to Coco Palms Hui LLC on October 8, 2016, under agenda item D-1. In 2018, Coco Palms Hui LLC paid the deposit, first two months' rent and document fees for the RPs. They signed the RP documents that were prepared by the Department of the Attorney General (AG). Kauai District Land Office (KDLO) staff decided to hold off on having then Chairperson Case execute the RP documents because KDLO had been informed that the property was again being sold to a new entity and tax clearances had not been provided by Coco Palms Hui LLC.

In March 2019, Stillwater Equity Partners assumed management of Coco Palms Hui LLC. In July 2021, Coco Palms Hui LLC was foreclosed on, and the property was then sold to Stillwater Equity Partners.¹

In December 2022, RP21 Coco Palms LLC (RP21CP) became the current owner of the hotel property.

Recent Board Actions on Revocable Permits S-7407, S-7444 and S-7613:

The Board, at its meeting on October 28, 2022, under agenda item D-1, approved, as amended, the annual renewal of Revocable Permits (RPs) for the County of Kauai except for the Coco Palms RP numbers S-7407, S-7444 and S-7613 (Coco Palms RPs). As to the Coco Palms RPs, the Board approved the renewal of those RPs for a year but directed KDLO staff to report back to the Board with a status report and recommendation on whether to continue or discontinue the permits, or other recommendation. See attached Exhibit 5.

Also at the October 28, 2022, Board meeting, Gary Hoosier, a working member of the non-

¹ According to Parker Enloe, Reef Capital Partners is the parent company of both Reef Private Equity (formerly Stillwater Equity Partners) and Reef Private Credit (formerly Reef PCG). Reef Private Equity is a subsidiary of Reef Capital Partners that does private financing and handles the development of their projects. Reef-Private Credit LLC is owned by Reef Capital Partners, and it was the loan servicer, on behalf of five investors in Coco Palms Hui LLC. Coco Palms Hui LLC was going to default on its loan and was given an extension by Reef-PCG LLC, but as part of those terms, Stillwater Equity Partners became a springing manager for Coco Palms Hui LLC and for the private properties when certain terms were not met. When Coco Palms Hui LLC was foreclosed on, Reef PCG was the only bidder on behalf of the five investors and became the interim owners of the private properties. Stillwater Equity Partners was rebranded to Reef Private Equity. RP21 Coco Palms LLC was formed after the foreclosure for the five investors to hold their interest in the property. Reef-PCG LLC is also the manager of RP21 Coco Palms LLC.

profit organization I OLA WAILUANUI (IOW) speaking on their behalf, expressed an interest in leasing the properties under the current Coco Palms RPs. There was mention of the non-profit maintaining the lands with the hope of one day acquiring the hotel's private property and building a cultural and educational center. On November 25, 2022, IOW filed a complaint for declaratory and injunctive relief and summons against the Board and CPV in the First Circuit Court. On April 14, 2023, IOW submitted applications to lease the subject RP areas.

On April 14, 2023, under agenda Item D-1, KDLO staff presented a report to the Board as a non-action item. KDLO informed the Board on the status of the hotel property and the status of the subject RP areas. KDLO recommended that the lands under current RP S-7407 (Parcel A, portion) and RP S-7613 (Parcel C) continue under new RPs to RP21CP until the dispositions are possibly converted to long-term easements and that the land under RP S-7444 (Parcel B) should continue under a new RP to RP21CP until KDLO staff is able to sell a long-term lease at public auction. KDLO staff also suggested that IOW's proposed project as described in its application was not feasible using just the Coco Palms RP areas only.

On August 11, 2023, under agenda item D-7, Land Division (LD) staff recommended, and the Board approved, the termination of RP S-7407, S-7444 and S-7613 effective December 31, 2023. Members of the public testified both in favor of and against the cancellation and re-issuance of the RPs. The hotel owner's attorneys also requested and agreed that the RPs should be cancelled since all three RPs show CPV as the permittee and, according to Department of Commerce and Consumer Affairs, CPV's authority to conduct business in Hawaii as a Delaware limited liability company was involuntarily revoked on December 4, 2017. LD staff noted that although each RP parcel was insured, property taxes had been paid and the rent was current, the RPs could not continue to a defunct entity.

Although CPV is a defunct entity, the current hotel owners agreed to conduct the Phase I Environmental Site Assessment (Phase I ESA) required under the RPs prior to termination of the RPs. RP21CP advises that the Phase I ESA is forthcoming.

Recent Applications for Dispositions of the Coco Palms RP Areas:

RP21CP has applied for RPs of the same area used by CPV, but under RP21CP's proper entity name. RP21CP would prefer long-term dispositions but, in the near term, would like to continue the current use of the RP areas. IOW has applied for RPs for the same subject parcels, but with different uses than those that are currently in place. IOW's "vision for these lands includes developing a cultural and educational center, a venue for hula and musical performance, parks, small-scale, organic agricultural production, restoration of the loko i'a (fishponds) on site, and gardens of native medicinal plants". LD does not find these proposed uses to be feasible using just the RP areas alone. The driveway over Parcel A serves only the hotel and is not suited for any of IOW's proposed uses.² Similarly,

² In any event, the entirety of Parcel A is set aside to the County of Hawaii under Governor's Executive Order No. 2744 to the County of Kauai for Wailua sewage pumping station and emergency power generator purposes. The

Parcel C is unsuited for IOW's proposed uses due to the location of and limited access to the parcel.

Parcel B is the only parcel where IOW's proposed use may be applicable, but LD staff does not feel that it would be practical. As mentioned earlier, this parcel has a perpetual 25-foot-wide driveway easement for access to main hotel lobby area within the Coco Palms property (LOD 12850). It should also be noted that RP21CP has committed to improving the parking lot and providing at least 20 public parking spaces on Parcel B. RP21CP also agreed to provide a comfort station with showers and bathrooms for the public's use on its abutting private land.

Recommended Dispositions of Coco Palms RP Areas:

Parcel A:

A portion of Parcel A provides access to the hotel and such use has been authorized under RPs issued to various owners over time:

RP S-4253 – Island Holidays, Ltd.
RP S-5958 – Island Holidays, Inc.
RP S-6233 – Wailua Associates
RP S-7407 – Coco Palms Ventures LLC

Additionally, as noted above, Parcel A was set aside via Governor's Executive Order (EO) 2744 to the County of Kauai for Wailua sewage pumping station and emergency power generator. When the Board took action on the Coco Palms RPs on October 28, 2016, the staff submittal noted that a long-term access easement over Parcel A to replace RP S-7404 was inappropriate because it could interfere with future plans of the Department of Transportation, Highways Division (DOT) for highway work in the area. DOT has now completed its work and staff feels that a long-term disposition in the form of a 30-year easement for access purposes is appropriate and is consistent with the prior use of the land.

Parcel B:

Parcel B is primarily used as the entrance and as a parking area for the hotel and such use has been authorized under RPs issued to various owners over time:

GL S-4740 – Island Holidays, Ltd.
GL S-4740 – Wailua Associates (consent to assignment)
GL S-4740 – Coco Palms Ventures LLC (expired 2006, RP issued)
RP S-7444 – Coco Palms Ventures LLC

Board does not generally issue leases over lands set aside to other agencies; easements may be permitted with the consent of the holder of the executive order. The only logical applicant for an access easement over the parcel is the abutting private landowner, RP21CP.

Staff is recommending the authorization of an interim RP to RP21CP *and* the sale of lease at public auction for parking and landscaping purposes. The RP would run until KDLO staff prepares Parcel B for a lease auction and a direct lease of Parcel B is issued.

Parcel C:

The unusual shape and small size of Parcel C may make it difficult to utilize as a standalone parcel. The Board, at its meeting of September 13, 1968, under agenda Item F-1-e, authorized the issuance of a revocable permit to Island Holidays, Ltd., for non-exclusive easement for building and landscaping purposes. Island Holidays, Ltd. completed construction of a restaurant (Sea Shell Restaurant) on its adjoining private property (Lot 13-A) and, in addition to grading and landscaping, constructed sidewalks and five circular 'hardstands' for outdoor tables on Parcel C. On the basis of objections voiced by the County's Department of Planning & Economic Development, the easement application was held in abeyance. Pending further disposition of the matter, it was recommended that the subject area be placed under a revocable permit to Island Holidays, Ltd. An initial RP was issued to Island Holidays, Ltd., effective July 1, 1966 to maintain the encroachments and later RPs were authorized for similar uses to subsequent owners as follows:

RP S-4250 – Island Holidays, Ltd.³

RP S-6234 – Wailua Associates

RP S-7408– Coco Palms Ventures LLC

RP S-7613– Coco Palms Ventures LLC

LD staff now recommend approving a term easement to the current owner of the hotel property RP21CP, in order to resolve any encroachments and allow for a long-term disposition on a parcel that has little to no use by the State.

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.

The proposed uses have continued since 1968 and will continue. Such use has resulted in no known significant impacts, whether immediate or cumulative, to the natural, environmental and/or cultural resources in the area. As such, staff believes that the proposed use would involve negligible or no expansion or change in use of the subject area beyond that previously existing.

³ At its meeting of August 22, 1980, under agenda Item F-34, the Board approved and authorized the direct sale of a perpetual, non-exclusive easement over Parcel C to Island Holidays, Ltd., doing business as Coco Palms Resort Hotel, for landscaping and patio purposes to replace the RP S-4250. But by letter dated June 16, 1983, David Ueno, Resident Manager for Coco Palms Resort Hotel, informed the Department it was unable purchase the easement due to recessive economic conditions and setbacks caused by Hurricane Iwa. In 2010, a portion of the parcel abutting Kuhio Highway became encumbered by EO 4317 to the DOT for bike and pedestrian path purposes.

RECOMMENDATION: That the Board:

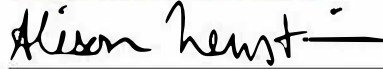
1. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Chapter 11-200.1, HAR, this project will probably have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment as a de minimis action.
2. Find that approving the requested revocable permit, under the conditions and rent set forth herein, would serve the best interest of the State.
3. Authorize the issuance of a term, non-exclusive easement to RP21 Coco Palms LLC covering a portion of Parcel A for use and maintenance of a driveway for vehicular access 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 term easement document form, as may be amended from time to time;
 - b. The easement shall run with the land and shall inure to the benefit of the real property described as Tax Map Key: (4) 4-1-003:007, provided however: (1) it is specifically understood and agreed that the easement shall immediately cease to run with the land upon the expiration or other termination or abandonment of the easement; and (2) if and when the easement is sold, assigned, conveyed, or otherwise transferred, the Grantee shall notify the Grantor of such transaction in writing, and shall notify Grantee's successors or assigns of the insurance requirement in writing, separate and apart from the easement document;
 - c. Review and approval by the Department of the Attorney General; and
 - d. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.
4. Authorize the issuance of a revocable permit to RP21 Coco Palms LLC covering Parcel B for parking and landscaping 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 revocable permit form, as may be amended from time to time;
 - b. Review and approval by the Department of the Attorney General; and
 - c. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

5. Authorize the sale of a lease at public auction for Parcel B for business or commercial 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 business or commercial general lease form, as may be amended from time to time;
 - b. Review and approval by the Department of the Attorney General; and
 - c. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.
6. Authorize the issuance of a term, non-exclusive easement to RP21 Coco Palms LLC covering Parcel C for the purpose of maintaining encroaching structures on State land (including portion of restaurant structure, sidewalks, hardstands for outdoor dining tables) and landscaping 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 term easement document form, as may be amended from time to time;
 - b. The easement shall run with the land and shall inure to the benefit of the real property described as Tax Map Key: (4) 4-1-003:007, provided however: (1) it is specifically understood and agreed that the easement shall immediately cease to run with the land upon the expiration or other termination or abandonment of the easement; and (2) if and when the easement is sold, assigned, conveyed, or otherwise transferred, the Grantee shall notify the Grantor of such transaction in writing, and shall notify Grantee's successors or assigns of the insurance requirement in writing, separate and apart from the easement document;
 - c. Review and approval by the Department of the Attorney General; and
 - d. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.
7. Authorize the subject easement requests to be applicable in the event of a change in the ownership of the abutting parcel described as Tax Map Keys: (4) 4-1-003:007 and (4) 4-1-005:014, provided the succeeding owner has not had a lease, permit, easement or other disposition of State lands terminated within the last five (5) years due to non-compliance with such terms and conditions.
8. Grant an immediate management right-of-entry to RP21 Coco Palms LLC, its consultants, contractors, and/or persons acting for or on its behalf, onto the Parcels A (portion), B and C to secure, maintain and manage the properties, under the terms

and conditions cited above, which are by this reference incorporated herein and subject further to the following:

- a. The standard terms and conditions of the most current right-of-entry 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;
- c. This management and maintenance right-of-entry is authorized to continue for one year or until the revocable permit (Parcel B) or easements (Parcels A and C) are prepared by the Attorney General and executed, whichever shall first occur, provided that the Chairperson may continue the rights-of-entry for additional one-year periods for good cause shown; and
- d. The Department of Land and Natural Resources reserves the right to impose additional terms and conditions at any time if it deems necessary while this right-of-entry is in force.

Respectfully Submitted,



Alison Neustein
District Land Agent

APPROVED FOR SUBMITTAL:

RT



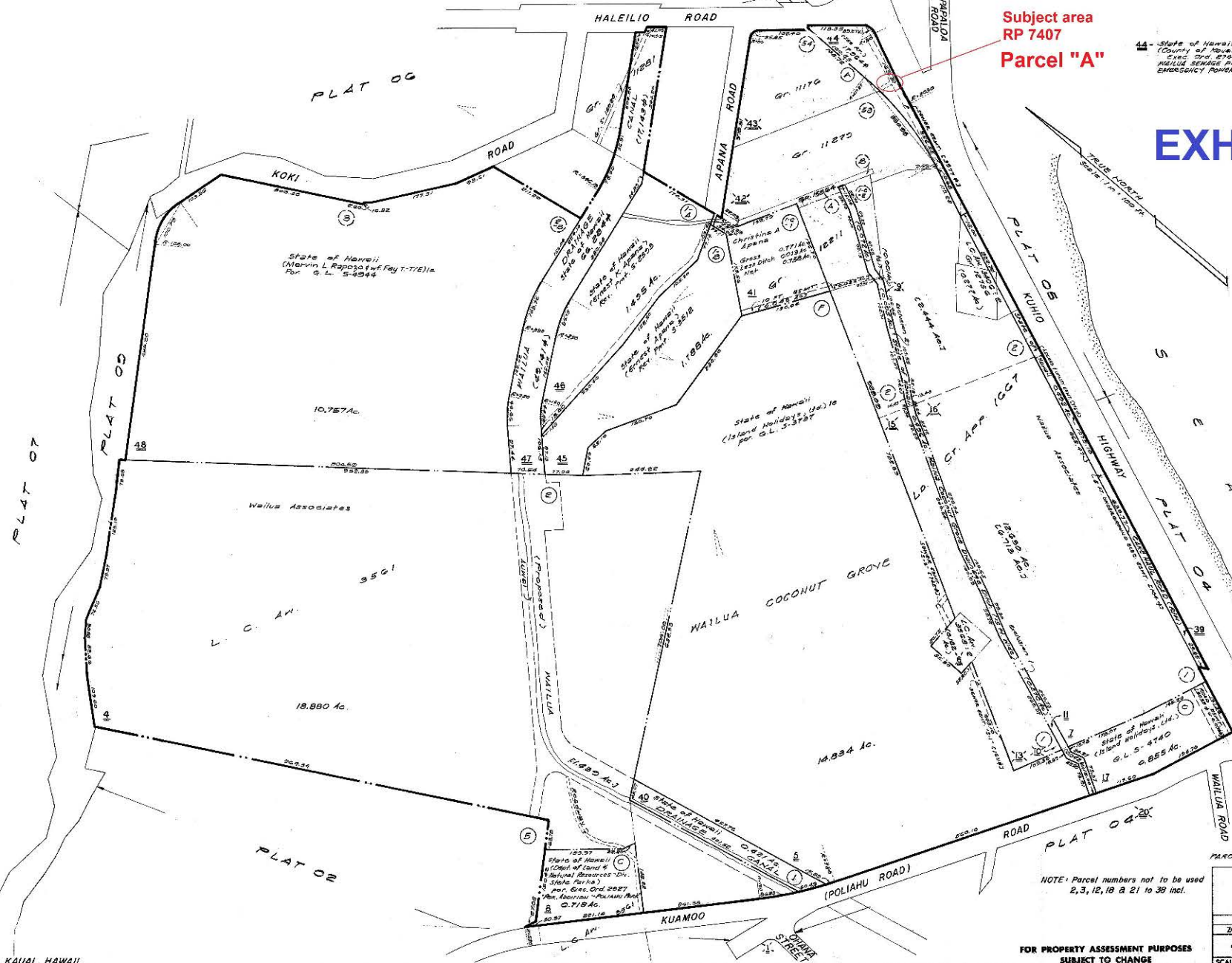
Dawn N.S. Chang, Chairperson

EXHIBIT 1

Subject area
RP 7407
Parcel "A"

44 - State of Hawaii
(County of Kauai)
Exec. Ord. 8766
WAILUA SEWAGE PUMPING STATION &
EMERGENCY POWER GENERATOR SITE

EXHIBIT 1



NOTE: Parcel numbers not to be used
2, 3, 12, 18 & 21 to 38 incl.

FOR PROPERTY ASSESSMENT PURPOSES
SUBJECT TO CHANGE

PARCELS DROPPED: 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100.

DEPARTMENT OF TAXATION
PROPERTY TECHNICAL OFFICE
TAX MAPS BRANCH
STATE OF HAWAII
TAX MAP

FOURTH TAXATION DISTRICT		
ZONE	SEC.	PLAT
4	1	03

SCALE: 1 IN. = 100 FT.

EXHIBIT 2

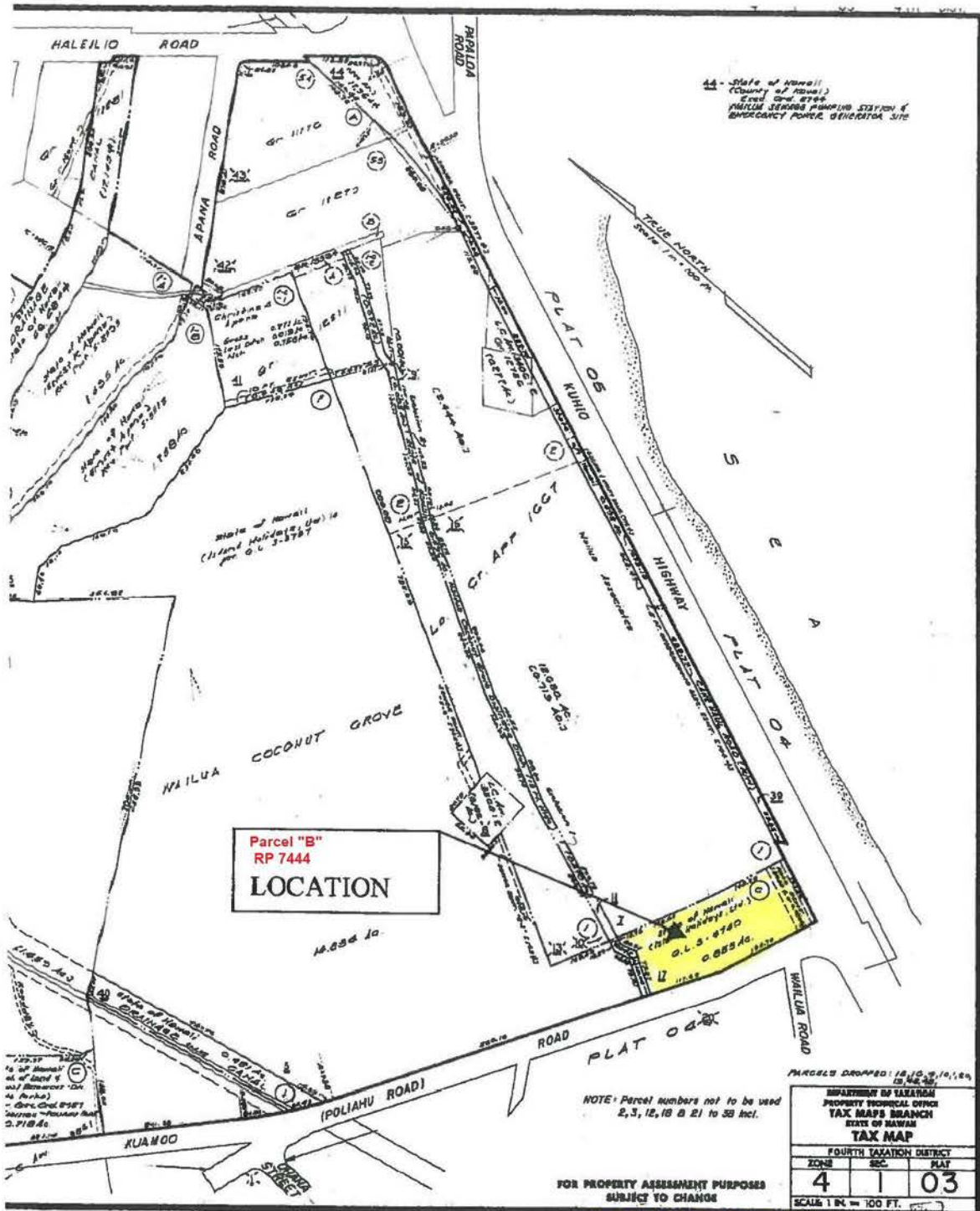


EXHIBIT 2

EXHIBIT 3

COLLECTED
MAY 8 1939
JUL 1 1940
AUG 1 1941
OCT 1 1942
DEC 1 1943
FEB 1 1944
APR 1 1945
JUN 1 1946
AUG 1 1947
OCT 1 1948
DEC 1 1949
FEB 1 1950
APR 1 1951
JUN 1 1952
AUG 1 1953
OCT 1 1954
DEC 1 1955
FEB 1 1956
APR 1 1957
JUN 1 1958
AUG 1 1959
OCT 1 1960
DEC 1 1961
FEB 1 1962
APR 1 1963
JUN 1 1964
AUG 1 1965
OCT 1 1966
DEC 1 1967
FEB 1 1968
APR 1 1969
JUN 1 1970
AUG 1 1971
OCT 1 1972
DEC 1 1973
FEB 1 1974
APR 1 1975
JUN 1 1976
AUG 1 1977
OCT 1 1978
DEC 1 1979
FEB 1 1980
APR 1 1981
JUN 1 1982
AUG 1 1983
OCT 1 1984
DEC 1 1985
FEB 1 1986
APR 1 1987
JUN 1 1988
AUG 1 1989
OCT 1 1990
DEC 1 1991
FEB 1 1992
APR 1 1993
JUN 1 1994
AUG 1 1995
OCT 1 1996
DEC 1 1997
FEB 1 1998
APR 1 1999
JUN 1 2000
AUG 1 2001
OCT 1 2002
DEC 1 2003
FEB 1 2004
APR 1 2005
JUN 1 2006
AUG 1 2007
OCT 1 2008
DEC 1 2009
FEB 1 2010
APR 1 2011
JUN 1 2012
AUG 1 2013
OCT 1 2014
DEC 1 2015
FEB 1 2016
APR 1 2017
JUN 1 2018
AUG 1 2019
OCT 1 2020
DEC 1 2021
FEB 1 2022
APR 1 2023
JUN 1 2024
AUG 1 2025
OCT 1 2026
DEC 1 2027
FEB 1 2028
APR 1 2029
JUN 1 2030
AUG 1 2031
OCT 1 2032
DEC 1 2033
FEB 1 2034
APR 1 2035
JUN 1 2036
AUG 1 2037
OCT 1 2038
DEC 1 2039
FEB 1 2040
APR 1 2041
JUN 1 2042
AUG 1 2043
OCT 1 2044
DEC 1 2045
FEB 1 2046
APR 1 2047
JUN 1 2048
AUG 1 2049
OCT 1 2050
DEC 1 2051
FEB 1 2052
APR 1 2053
JUN 1 2054
AUG 1 2055
OCT 1 2056
DEC 1 2057
FEB 1 2058
APR 1 2059
JUN 1 2060
AUG 1 2061
OCT 1 2062
DEC 1 2063
FEB 1 2064
APR 1 2065
JUN 1 2066
AUG 1 2067
OCT 1 2068
DEC 1 2069
FEB 1 2070
APR 1 2071
JUN 1 2072
AUG 1 2073
OCT 1 2074
DEC 1 2075
FEB 1 2076
APR 1 2077
JUN 1 2078
AUG 1 2079
OCT 1 2080
DEC 1 2081
FEB 1 2082
APR 1 2083
JUN 1 2084
AUG 1 2085
OCT 1 2086
DEC 1 2087
FEB 1 2088
APR 1 2089
JUN 1 2090
AUG 1 2091
OCT 1 2092
DEC 1 2093
FEB 1 2094
APR 1 2095
JUN 1 2096
AUG 1 2097
OCT 1 2098
DEC 1 2099
FEB 1 2100
APR 1 2101
JUN 1 2102
AUG 1 2103
OCT 1 2104
DEC 1 2105
FEB 1 2106
APR 1 2107
JUN 1 2108
AUG 1 2109
OCT 1 2110
DEC 1 2111
FEB 1 2112
APR 1 2113
JUN 1 2114
AUG 1 2115
OCT 1 2116
DEC 1 2117
FEB 1 2118
APR 1 2119
JUN 1 2120
AUG 1 2121
OCT 1 2122
DEC 1 2123
FEB 1 2124
APR 1 2125
JUN 1 2126
AUG 1 2127
OCT 1 2128
DEC 1 2129
FEB 1 2130
APR 1 2131
JUN 1 2132
AUG 1 2133
OCT 1 2134
DEC 1 2135
FEB 1 2136
APR 1 2137
JUN 1 2138
AUG 1 2139
OCT 1 2140
DEC 1 2141
FEB 1 2142
APR 1 2143
JUN 1 2144
AUG 1 2145
OCT 1 2146
DEC 1 2147
FEB 1 2148
APR 1 2149
JUN 1 2150
AUG 1 2151
OCT 1 2152
DEC 1 2153
FEB 1 2154
APR 1 2155
JUN 1 2156
AUG 1 2157
OCT 1 2158
DEC 1 2159
FEB 1 2160
APR 1 2161
JUN 1 2162
AUG 1 2163
OCT 1 2164
DEC 1 2165
FEB 1 2166
APR 1 2167
JUN 1 2168
AUG 1 2169
OCT 1 2170
DEC 1 2171
FEB 1 2172
APR 1 2173
JUN 1 2174
AUG 1 2175
OCT 1 2176
DEC 1 2177
FEB 1 2178
APR 1 2179
JUN 1 2180
AUG 1 2181
OCT 1 2182
DEC 1 2183
FEB 1 2184
APR 1 2185
JUN 1 2186
AUG 1 2187
OCT 1 2188
DEC 1 2189
FEB 1 2190
APR 1 2191
JUN 1 2192
AUG 1 2193
OCT 1 2194
DEC 1 2195
FEB 1 2196
APR 1 2197
JUN 1 2198
AUG 1 2199
OCT 1 2200
DEC 1 2201
FEB 1 2202
APR 1 2203
JUN 1 2204
AUG 1 2205
OCT 1 2206
DEC 1 2207
FEB 1 2208
APR 1 2209
JUN 1 2210
AUG 1 2211
OCT 1 2212
DEC 1 2213
FEB 1 2214
APR 1 2215
JUN 1 2216
AUG 1 2217
OCT 1 2218
DEC 1 2219
FEB 1 2220
APR 1 2221
JUN 1 2222
AUG 1 2223
OCT 1 2224
DEC 1 2225
FEB 1 2226
APR 1 2227
JUN 1 2228
AUG 1 2229
OCT 1 2230
DEC 1 2231
FEB 1 2232
APR 1 2233
JUN 1 2234
AUG 1 2235
OCT 1 2236
DEC 1 2237
FEB 1 2238
APR 1 2239
JUN 1 2240
AUG 1 2241
OCT 1 2242
DEC 1 2243
FEB 1 2244
APR 1 2245
JUN 1 2246
AUG 1 2247
OCT 1 2248
DEC 1 2249
FEB 1 2250
APR 1 2251
JUN 1 2252
AUG 1 2253
OCT 1 2254
DEC 1 2255
FEB 1 2256
APR 1 2257
JUN 1 2258
AUG 1 2259
OCT 1 2260
DEC 1 2261
FEB 1 2262
APR 1 2263
JUN 1 2264
AUG 1 2265
OCT 1 2266
DEC 1 2267
FEB 1 2268
APR 1 2269
JUN 1 2270
AUG 1 2271
OCT 1 2272
DEC 1 2273
FEB 1 2274
APR 1 2275
JUN 1 2276
AUG 1 2277
OCT 1 2278
DEC 1 2279
FEB 1 2280
APR 1 2281
JUN 1 2282
AUG 1 2283
OCT 1 2284
DEC 1 2285
FEB 1 2286
APR 1 2287
JUN 1 2288
AUG 1 2289
OCT 1 2290
DEC 1 2291
FEB 1 2292
APR 1 2293
JUN 1 2294
AUG 1 2295
OCT 1 2296
DEC 1 2297
FEB 1 2298
APR 1 2299
JUN 1 2300
AUG 1 2301
OCT 1 2302
DEC 1 2303
FEB 1 2304
APR 1 2305
JUN 1 2306
AUG 1 2307
OCT 1 2308
DEC 1 2309
FEB 1 2310
APR 1 2311
JUN 1 2312
AUG 1 2313
OCT 1 2314
DEC 1 2315
FEB 1 2316
APR 1 2317
JUN 1 2318
AUG 1 2319
OCT 1 2320
DEC 1 2321
FEB 1 2322
APR 1 2323
JUN 1 2324
AUG 1 2325
OCT 1 2326
DEC 1 2327
FEB 1 2328
APR 1 2329
JUN 1 2330
AUG 1 2331
OCT 1 2332
DEC 1 2333
FEB 1 2334
APR 1 2335
JUN 1 2336
AUG 1 2337
OCT 1 2338
DEC 1 2339
FEB 1 2340
APR 1 2341
JUN 1 2342
AUG 1 2343
OCT 1 2344
DEC 1 2345
FEB 1 2346
APR 1 2347
JUN 1 2348
AUG 1 2349
OCT 1 2350
DEC 1 2351
FEB 1 2352
APR 1 2353
JUN 1 2354
AUG 1 2355
OCT 1 2356
DEC 1 2357
FEB 1 2358
APR 1 2359
JUN 1 2360
AUG 1 2361
OCT 1 2362
DEC 1 2363
FEB 1 2364
APR 1 2365
JUN 1 2366
AUG 1 2367
OCT 1 2368
DEC 1 2369
FEB 1 2370
APR 1 2371
JUN 1 2372
AUG 1 2373
OCT 1 2374
DEC 1 2375
FEB 1 2376
APR 1 2377
JUN 1 2378
AUG 1 2379
OCT 1 2380
DEC 1 2381
FEB 1 2382
APR 1 2383
JUN 1 2384
AUG 1 2385
OCT 1 2386
DEC 1 2387
FEB 1 2388
APR 1 2389
JUN 1 2390
AUG 1 2391
OCT 1 2392
DEC 1 2393
FEB 1 2394
APR 1 2395
JUN 1 2396
AUG 1 2397
OCT 1 2398
DEC 1 2399
FEB 1 2400
APR 1 2401
JUN 1 2402
AUG 1 2403
OCT 1 2404
DEC 1 2405
FEB 1 2406
APR 1 2407
JUN 1 2408
AUG 1 2409
OCT 1 2410
DEC 1 2411
FEB 1 2412
APR 1 2413
JUN 1 2414
AUG 1 2415
OCT 1 2416
DEC 1 2417
FEB 1 2418
APR 1 2419
JUN 1 2420
AUG 1 2421
OCT 1 2422
DEC 1 2423
FEB 1 2424
APR 1 2425
JUN 1 2426
AUG 1 2427
OCT 1 2428
DEC 1 2429
FEB 1 2430
APR 1 2431
JUN 1 2432
AUG 1 2433
OCT 1 2434
DEC 1 2435
FEB 1 2436
APR 1 2437
JUN 1 2438
AUG 1 2439
OCT 1 2440
DEC 1 2441
FEB 1 2442
APR 1 2443
JUN 1 2444
AUG 1 2445
OCT 1 2446
DEC 1 2447
FEB 1 2448
APR 1 2449
JUN 1 2450
AUG 1 2451
OCT 1 2452
DEC 1 2453
FEB 1 2454
APR 1 2455
JUN 1 2456
AUG 1 2457
OCT 1 2458
DEC 1 2459
FEB 1 2460
APR 1 2461
JUN 1 2462
AUG 1 2463
OCT 1 2464
DEC 1 2465
FEB 1 2466
APR 1 2467
JUN 1 2468
AUG 1 2469
OCT 1 2470
DEC 1 2471
FEB 1 2472
APR 1 2473
JUN 1 2474
AUG 1 2475
OCT 1 2476
DEC 1 2477
FEB 1 2478
APR 1 2479
JUN 1 2480
AUG 1 2481
OCT 1 2482
DEC 1 2483
FEB 1 2484
APR 1 2485
JUN 1 2486
AUG 1 2487
OCT 1 2488
DEC 1 2489
FEB 1 2490
APR 1 2491
JUN 1 2492
AUG 1 2493
OCT 1 2494
DEC 1 2495
FEB 1 2496
APR 1 2497
JUN 1 2498
AUG 1 2499
OCT 1 2500
DEC 1 2501
FEB 1 2502
APR 1 2503
JUN 1 2504
AUG 1 2505
OCT 1 2506
DEC 1 2507
FEB 1 2508
APR 1 2509
JUN 1 2510
AUG 1 2511
OCT 1 2512
DEC 1 2513
FEB 1 2514
APR 1 2515
JUN 1 2516
AUG 1 2517
OCT 1 2518
DEC 1 2519
FEB 1 2520
APR 1 2521
JUN 1 2522
AUG 1 2523
OCT 1 2524
DEC 1 2525
FEB 1 2526
APR 1 2527
JUN 1 2528
AUG 1 2529
OCT 1 2530
DEC 1 2531
FEB 1 2532
APR 1 2533
JUN 1 2534
AUG 1 2535
OCT 1 2536
DEC 1 2537
FEB 1 2538
APR 1 2539
JUN 1 2540
AUG 1 2541
OCT 1 2542
DEC 1 2543
FEB 1 2544
APR 1 2545
JUN 1 2546
AUG 1 2547
OCT 1 2548
DEC 1 2549
FEB 1 2550
APR 1 2551
JUN 1 2552
AUG 1 2553
OCT 1 2554
DEC 1 2555
FEB 1 2556
APR 1 2557
JUN 1 2558
AUG 1 2559
OCT 1 2560
DEC 1 2561
FEB 1 2562
APR 1 2563
JUN 1 2564
AUG 1 2565
OCT 1 2566
DEC 1 2567
FEB 1 2568
APR 1 2569
JUN 1 2570
AUG 1 2571
OCT 1 2572
DEC 1 2573
FEB 1 2574
APR 1 2575
JUN 1 2576
AUG 1 2577
OCT 1 2578
DEC 1 2579
FEB 1 2580
APR 1 2581
JUN 1 2582
AUG 1 2583
OCT 1 2584
DEC 1 2585
FEB 1 2586
APR 1 2587
JUN 1 2588
AUG 1 2589
OCT 1 2590
DEC 1 2591
FEB 1 2592
APR 1 2593
JUN 1 2594
AUG 1 2595
OCT 1 2596
DEC 1 2597
FEB 1 2598
APR 1 2599
JUN 1 2600
AUG 1 2601
OCT 1 2602
DEC 1 2603
FEB 1 2604
APR 1 2605
JUN 1 2606
AUG 1 2607
OCT 1 2608
DEC 1 2609
FEB 1 2610
APR 1 2611
JUN 1 2612
AUG 1 2613
OCT 1 2614
DEC 1 2615
FEB 1 2616
APR 1 2617
JUN 1 2618
AUG 1 2619
OCT 1 2620
DEC 1 2621
FEB 1 2622
APR 1 2623
JUN 1 2624
AUG 1 2625
OCT 1 2626
DEC 1 2627
FEB 1 2628
APR 1 2629
JUN 1 2630
AUG 1 2631
OCT 1 2632
DEC 1 2633
FEB 1 2634
APR 1 2635
JUN 1 2636
AUG 1 2637
OCT 1 2638
DEC 1 2639
FEB 1 2640
APR 1 2641
JUN 1 2642
AUG 1 2643
OCT 1 2644
DEC 1 2645
FEB 1 2646
APR 1 2647
JUN 1 2648
AUG 1 2649
OCT 1 2650
DEC 1 2651
FEB 1 2652
APR 1 2653
JUN 1 2654
AUG 1 2655
OCT 1 2656
DEC 1 2657
FEB 1 2658
APR 1 2659
JUN 1 2660
AUG 1 2661
OCT 1 2662
DEC 1 2663
FEB 1 2664
APR 1 2665
JUN 1 2666
AUG 1 2667
OCT 1 2668
DEC 1 2669
FEB 1 2670
APR 1 2671
JUN 1 2672
AUG 1 2673
OCT 1 2674
DEC 1 2675
FEB 1 2676
APR 1 2677
JUN 1 2678
AUG 1 2679
OCT 1 2680
DEC 1 2681
FEB 1 2682
APR 1 2683
JUN 1 2684
AUG 1 2685
OCT 1 2686
DEC 1 2687
FEB 1 2688
APR 1 2689
JUN 1 2690
AUG 1 2691
OCT 1 2692
DEC 1 2693
FEB 1 2694
APR 1 2695
JUN 1 2696
AUG 1 2697
OCT 1 2698
DEC 1 2699
FEB 1 2700
APR 1 2701
JUN 1 2702
AUG 1 2703
OCT 1 2704
DEC 1 2705
FEB 1 2706
APR 1 2707
JUN 1 2708
AUG 1 2709
OCT 1 2710
DEC 1 2711
FEB 1 2712
APR 1 2713
JUN 1 2714
AUG 1 2715
OCT 1 2716
DEC 1 2717
FEB 1 2718
APR 1 2719
JUN 1 2720
AUG 1 2721
OCT 1 2722
DEC 1 2723
FEB 1 2724
APR 1 2725
JUN 1 2726
AUG 1 2727
OCT 1 2728
DEC 1 2729
FEB 1 2730
APR 1 2731
JUN 1 2732
AUG 1 2733
OCT 1 2734
DEC 1 2735
FEB 1 2736
APR 1 2737
JUN 1 2738
AUG 1 2739
OCT 1 2740
DEC 1 2741
FEB 1 2742
APR 1 2743
JUN 1 2744
AUG 1 2745
OCT 1 2746
DEC 1 2747
FEB 1 2748
APR 1 2749
JUN 1 2750
AUG 1 2751
OCT 1 2752
DEC 1 2753
FEB 1 2754
APR 1 2755
JUN 1 2756
AUG 1 2757
OCT 1 2758
DEC 1 2759
FEB 1 2760
APR 1 2761
JUN 1 2762
AUG 1 2763
OCT 1 2764
DEC 1 2765
FEB 1 2766
APR 1 2767
JUN 1 2768
AUG 1 2769
OCT 1 2770
DEC 1 2771
FEB 1 2772
APR 1 2773
JUN 1 2774
AUG 1 2775
OCT 1 2776
DEC 1 2777
FEB 1 2778
APR 1 2779
JUN 1 2780
AUG 1 2781
OCT 1 2782
DEC 1 2783
FEB 1 2784
APR 1 2785
JUN 1 2786
AUG 1 2787
OCT 1 2788
DEC 1 2789
FEB 1 2790
APR 1 2791
JUN 1 2792
AUG 1 2793
OCT 1 2794
DEC 1 2795
FEB 1 2796
APR 1 2797
JUN 1 2798
AUG 1 2799
OCT 1 2800
DEC 1 2801
FEB 1 2802
APR 1 2803
JUN 1 2804
AUG 1 2805
OCT 1 2806
DEC 1 2807
FEB 1 2808
APR 1 2809
JUN 1 2810
AUG 1 2811
OCT 1 2812
DEC 1 2813
FEB 1 2814
APR 1 2815
JUN 1 2816
AUG 1 2817
OCT 1 2818
DEC 1 2819
FEB 1 2820
APR 1 2821
JUN 1 2822
AUG 1 2823
OCT 1 2824
DEC 1 2825
FEB 1 2826
APR 1 2827
JUN 1 2828
AUG 1 2829
OCT 1 2830
DEC 1 2831
FEB 1 2832
APR 1 2833
JUN 1 2834
AUG 1 2835
OCT 1 2836
DEC 1 2837
FEB 1 2838
APR 1 2839
JUN 1 2840
AUG 1 2841
OCT 1 2842
DEC 1 2843
FEB 1 2844
APR 1 2845
JUN 1 2846
AUG 1 2847
OCT 1 2848
DEC 1 2849
FEB 1 2850
APR 1 2851
JUN 1 2852
AUG 1 2853
OCT 1 2854
DEC 1 2855
FEB 1 2856
APR 1 2857
JUN 1 2858
AUG 1 2859
OCT 1 2860
DEC 1 2861
FEB 1 2862
APR 1 2863
JUN 1 2864
AUG 1 2865
OCT 1 2866
DEC 1 2867
FEB 1 2868
APR 1 2869
JUN 1 2870
AUG 1 2871
OCT 1 2872
DEC 1 2873
FEB 1 2874
APR 1 2875
JUN 1 2876
AUG 1 2877
OCT 1 2878
DEC 1 2879
FEB 1 2880
APR 1 2881
JUN 1 2882
AUG 1 2883
OCT 1 2884
DEC 1 2885
FEB 1 2886
APR 1 2887
JUN 1 2888
AUG 1 2889
OCT 1 2890
DEC 1 2891
FEB 1 2892
APR 1 2893
JUN 1 2894
AUG 1 2895
OCT 1 2896
DEC 1 2897
FEB 1 2898
APR 1 2899
JUN 1 2900
AUG 1 2901
OCT 1 2902
DEC 1 2903
FEB 1 2904
APR 1 2905
JUN 1 2906
AUG 1 2907
OCT 1 2908
DEC 1 2909
FEB 1 2910
APR 1 2911
JUN 1 2912
AUG 1 2913
OCT 1 2914
DEC 1 2915
FEB 1 2916
APR 1 2917
JUN 1 2918
AUG 1 2919
OCT 1 2920
DEC 1 2921
FEB 1 2922
APR 1 2923
JUN 1 2924
AUG 1 2925
OCT 1 2926
DEC 1 2927
FEB 1 2928
APR 1 2929
JUN 1 2930
AUG 1 2931
OCT 1 2932
DEC 1 2933
FEB 1 2934
APR 1 2935
JUN 1 2936
AUG 1 2937
OCT 1 2938
DEC 1 2939
FEB 1 2940
APR 1 2941
JUN 1 2942
AUG 1 2943
OCT 1 2944
DEC 1 2945
FEB 1 2946
APR 1 2947
JUN 1 2948
AUG 1 2949
OCT 1 2950
DEC 1 2951
FEB 1 2952
APR 1 2953
JUN 1 2954
AUG 1 2955
OCT 1 2956
DEC 1 2957
FEB 1 2958
APR 1 2959
JUN 1 2960
AUG 1 2961
OCT 1 2962
DEC 1 2963
FEB 1 2964
APR 1 2965
JUN 1 2966
AUG 1 2967
OCT 1 2968
DEC 1 2969
FEB 1 2970
APR 1 2971
JUN 1 2972
AUG 1 2973
OCT 1 2974
DEC 1 2975
FEB 1 2976
APR 1 2977
JUN 1 2978
AUG 1 2979
OCT 1 2980
DEC 1 2981
FEB 1 2982
APR 1 2983
JUN 1 2984
AUG 1 2985
OCT 1 2986
DEC 1 2987
FEB 1 2988
APR 1 2989
JUN 1 2990
AUG 1 2991
OCT 1 2992
DEC 1 2993
FEB 1 2994
APR 1 2995
JUN 1 2996
AUG 1 2997
OCT 1 2998
DEC 1 2999
FEB 1 3000
APR 1 3001
JUN 1 3002
AUG 1 3003
OCT 1 3004
DEC 1 3005
FEB 1 3006
APR 1 3007
JUN 1 3008
AUG 1 3009
OCT 1 3010
DEC 1 3011
FEB 1 3012
APR 1 3013
JUN 1 3014
AUG 1 3015
OCT 1 3016
DEC 1 3017
FEB 1 3018
APR 1 3019
JUN 1 3020
AUG 1 3021
OCT 1 3022
DEC 1 3023
FEB 1 3024
APR 1 3025
JUN 1 3026
AUG 1 3027
OCT 1 3028
DEC 1 3029
FEB 1 3030
APR 1 3031
JUN 1 3032
AUG 1 3033
OCT 1 3034
DEC 1 3035
FEB 1 3036
APR 1 3037
JUN 1 3038
AUG 1 3039
OCT 1 3040
DEC 1 3041
FEB 1 3042
APR 1 3043
JUN 1 3044
AUG 1 3045
OCT 1 3046
DEC 1 3047
FEB 1 3048
APR 1 3049
JUN 1 3050
AUG 1 3051
OCT 1 3052
DEC 1 3053
FEB 1 3054
APR 1 3055
JUN 1 3056
AUG 1 3057
OCT 1 3058
DEC 1 3059
FEB 1 3060
APR 1 3061
JUN 1 3062
AUG 1 3063
OCT 1 3064
DEC 1 3065
FEB 1 3066
APR 1 3067
JUN 1 3068
AUG 1 3069
OCT 1 3070
DEC 1 3071
FEB 1 3072
APR 1 3073
JUN 1 3074
AUG 1 3

EXHIBIT 4

EXHIBIT 4

Map of Coco Palms Fee, Lease, Easements and Revocable License Areas

Page 1 of 2

Fee areas shown outlined in **solid red lines**

DLNR Lease and Easement areas are shown in blue dotted lines

DLNR Revocable Permit areas are shown in dashed green lines

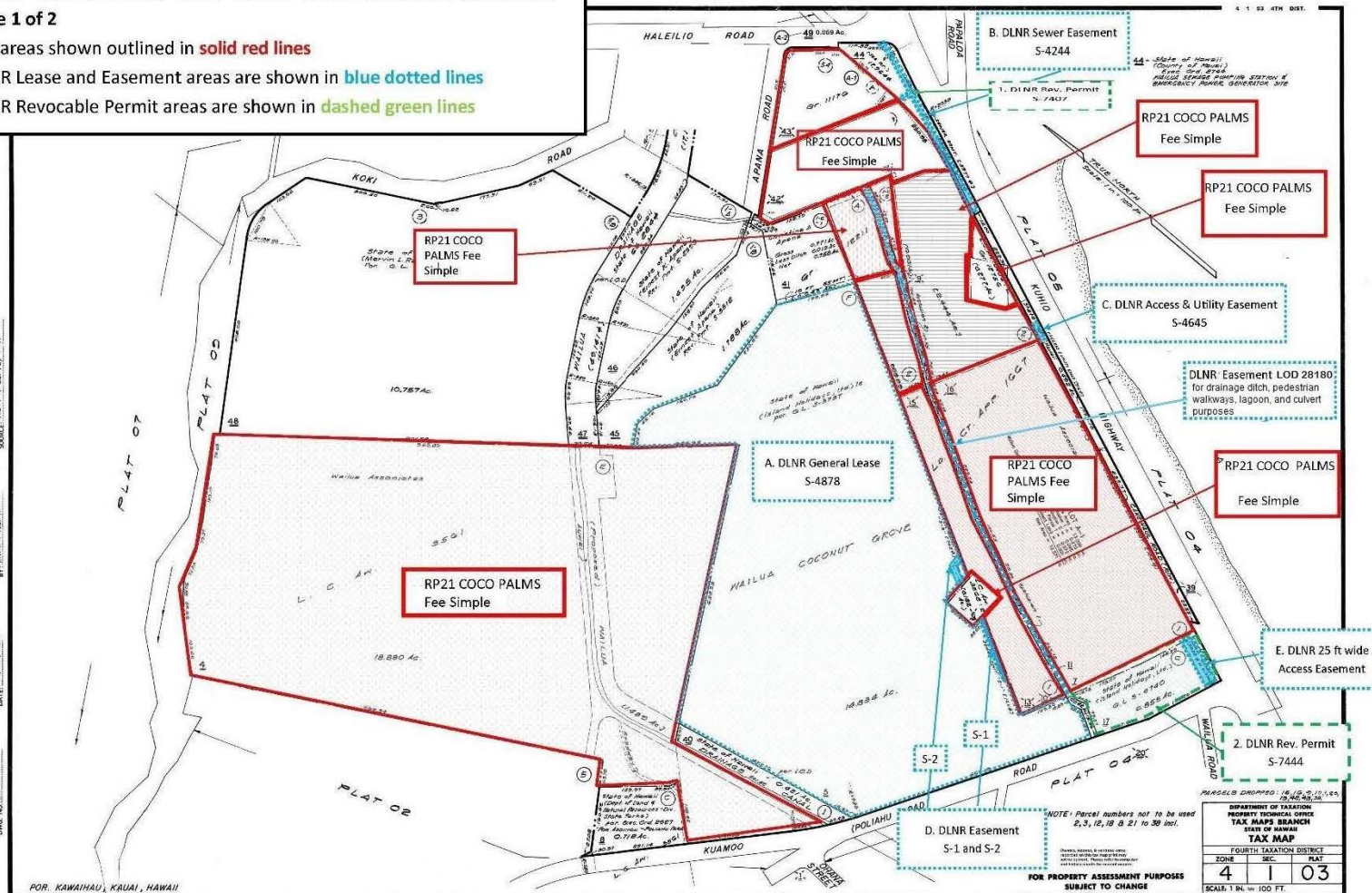


EXHIBIT 5

NO ACTION

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

EXHIBIT 5

April 14, 2023

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

Kauai

Report to the Board of Land and Natural Resources the status of Revocable Permit
Nos. 7407, 7444 and 7613 to Coco Palms Ventures LLC Wailua,
Kawaihau, Kauai, Tax Map Keys: (4) 4-1-003:044 por., (4) 4-1-003:017 and (4)
4-1-005:017.

BACKGROUND:

The Board of Land and Natural Resources ("Board") at its meeting on October 28, 2022, under agenda item D-1, approved, as amended, the annual renewal of Revocable Permits ("RPs") for the County of Kauai except for the Coco Palms RP numbers . S-7407, S-7444 and S-7613 ("Coco Palms RPs"). As to the Coco Palms RPs, the Board approved the renewal of those RPs for a year but directed Kaua'i Land Division Office ("KDLO") staff to report back to the Board in March 2023 with a status report and recommendation on whether to continue or discontinue the permit, or other recommendation. The Board indicated that the status report should contain at least an update on the County's decision on the permittee's building permit, and recommendation on any further tenancy or the permittee, if any, or plan for the property if left unencumbered. The Board also instructed KDLO staff to inquire with the County of any outstanding violations for delinquent property taxes on any of these RPs.

Also at the October 28, 2022, Board meeting, Gary Hoosier, a working member of the non-profit organization I OLA WAILUANUI ("IOW") speaking on their behalf, expressed an interest in leasing the properties under the current Coco Palms RPs. There was mention of the non-profit maintaining the lands with the hope of one day acquiring the hotel's private property and building a cultural and educational center. On November 25, 2022, IOW filed a complaint for declaratory and injunctive relief and summons against the Board and Coco Palms Ventures LLC in the First Circuit Court. See attached Exhibit D.

Brief history of the Coco Palms Area:

~~APPROVED~~ BY THE BOARD OF
LAND AND NATURAL RESOURCES
AT ITS MEETING HELD ON
April 14, 2023 Go.

Originally built in the 1940s, the hotel was known as Coco Palm Lodge. On January 25, 1953, under the management of Island Holidays, Ltd., the property was renamed Coco Palms Resort. The hotel itself was built on private property including the parcel designated as TMK: (4) 4-1-003:007 (Parcel 7) and other private parcels in the vicinity ("Private Properties").

In 1969, Amfac purchased Island Holidays, Ltd. and the Private Properties.

In 1985, Amfac sold the Private Properties to Wailua Associates, who managed the hotel until Hurricane Iniki struck on September 11, 1992, severely damaging the hotel and rendering it uninhabitable.

In 2006, the Private Properties were sold to Coco Palms Ventures LLC ("CPV"). After years of planning, building permits, etc., with the economic downturn, CPV struggled to find new investors to rebuild the hotel and eventually gave up on the project.

In July 2014, PR II Coco Palms LLC took over ownership of the Private Properties.

In May 2016, Coco Palms Hui LLC took over ownership of the Private Properties. In March 2019, Stillwater Equity Partners took over management of Coco Palms Hui LLC. In July 2021, Coco Palms Hui LLC was foreclosed on and the property was then sold to Stillwater Equity Partners.

In December 2022, RP 21 Coco Palms, LLC (RP21CP) became the current owner of the Private Properties.¹

AREA:

As shown on the attached maps labeled Exhibit A, B and C.

RP S-7407:	TMK: (4) 4-1-003:044 por.:	460 square feet, more or less ("Parcel A").
RP S-7444:	TMK: (4) 4-1-003:017:	0.855 acre, more or less ("Parcel B").
RP S-7613:	TMK: (4) 4-1-005:017:	5,224 square feet, more or less ("Parcel C").

¹ According to Parker Enloe, Reef Capital Partners is the parent company of both Reef Private Equity (formerly Stillwater Equity Partners) and Reef Private Credit (formally Reef PCG). Reef Private Equity is a subsidiary of Reef Capital Partners that does private financing and handles the development of their projects. Reef-Private Credit LLC is owned by Reef Capital Partners, and they were the loan servicer, on behalf of five investors to Coco Palms Hui LLC. Coco Palms Hui LLC was going to default on their loan and was given an extension by Reef-PCG LLC, but as part of those terms, Stillwater Equity Partners became a springing manager for of Coco Palms Hui LLC and for the private properties when certain terms were not met. When Coco Palms Hui LLC was foreclosed on, Reef PCG was the only bidder on behalf of the five investors and became the interim owners of the private properties. Stillwater Equity Partners was rebounded to Reef Private Equity. RP21 Coco Palms, LLC was formed after the foreclosure for the five investors to hold their interest in the property. Reef-PCG LLC is also the manager of RP21 Coco Palms, LLC.

The entire resort property is shown on attached maps, labeled Exhibit G.

Parcel A (RP S-7407)

Parcel A provides access to a parking lot on the Private Properties. Additionally, a portion of Parcel A was set aside to the Department of Transportation, Highways Division, by Governor's executive order. The last time a disposition for Parcel A went in front of the Board, it was determined that the parcel was unsuitable for a long-term disposition because it could interfere with DOT's future plans. This RP is currently being rented at a rate of \$13.79 per month, paid by Reef-PCG LLC. As of March 29, 2023, the rent is current and property taxes have been paid.

Parcel B (RP S-7444)

Parcel B is primarily used as the entrance to the Private Properties and as a parking area for the hotel. Recently, Parcel B was used by DOT to stage materials for its current road work in the area. Additionally, it was noted in a prior approved Board action on October 28, 2016, under agenda item D-1 (attached as Exhibit H), that a RP will allow the land to be utilized while staff plans for the future disposition of the parcel, including evaluation of the potential for the sale of a lease at auction. It should also be noted that Parcel B is encumbered by access easement in favor of CPV, which will need to be assigned to RP21CP as the new owner of the Private Properties with Board consent (to be addressed at a separate meeting).

This RP is currently being rented at a rate of \$394.65 per month, paid by Reef-PCG LLC. As of March 29, 2023, the rent is current and property taxes have been paid.

Parcel C (RP S-7613)

The unusual shape and small size of Parcel C may make it difficult to utilize as a standalone parcel. At its meeting on September 13, 1968, under Agenda Item F-1-e, the Board authorized the issuance of a revocable permit to Island Holidays, Ltd., for non-exclusive easement for building and landscaping purposes. Island Holidays, Ltd. completed construction of a restaurant (Sea Shell Restaurant) on its adjoining private property (Lot 13-A) and, in addition to grading and landscaping, constructed sidewalks and five circular 'hardstands' for outdoor tables on Parcel C. On the basis of objections voiced by the County's Department of Planning & Economic Development, the lease application was held in abeyance. Pending further disposition of the matter, it was recommended that the subject area be placed under a RP to Island Holidays, Ltd. Revocable Permit No. S-4250 was issued to Island Holidays, Ltd., effective July 1, 1966.

At its meeting on August 22, 1980, under agenda Item F-34, the Board approved and authorized the direct sale of a perpetual, non-exclusive easement over Parcel C to Island Holidays, Ltd., doing business as Coco Palms Resort Hotel, for landscaping and patio purposes. By letter dated June 16, 1983, Mr. David Ueno, Resident Manager for Coco Palms Resort Hotel, informed the Department it was unable purchase the easement due to recessive economic conditions and setbacks caused by Hurricane Iwa.

Hurricane Iniki then hit in 1992. Iniki was a Category 4 hurricane and its eye passed directly over Kauai. Because of the massive devastation across the whole island, the insurance companies went bankrupt and, as a result, the Coco Palms Resort was never repaired. Even after the Kauai economy recovered, the Coco Palms Resort was simply sold and resold as its condition deteriorated.

DLNR staff now recommend cancelling the current RP and offering a term easement to the current owner of the Private Properties, RP21CP, in order to resolve any encroachments and allow for a long-term disposition on a parcel that has little to no use to the State.

This RP is currently being rented at a rate of \$299.17 per month, paid by Reef-PCG LLC. As of March 29, 2023, the rent is current and property taxes have been paid.

DISCUSSION:

The Coco Palms Hotel was severely damaged on September 11, 1992, by Hurricane Iniki. Because of disputes over repairs and permitting, the hotel has been closed since the hurricane. Although the current owners of the Coco Palms Hotel private properties is RP21CP, the current managing firm of the Coco Palms Hotel private properties, Reef Capital Partners, as well as past manager, Stillwater Equity Group, have continued to pay rent, provide liability insurance and maintain their State leased lands even though they have not been using the leased areas. The hotel properties (both private and State owned) have at times been a hotspot for homeless camps.

Since the Board meeting of October 28, 2022, the RP lands have been well maintained and cleared of any homeless camps (see attached pictures labeled Exhibit I). The current owners of Parcel 7, RP21CP recently installed a dust barrier along the boundaries of Parcel 7 in hopes of starting the demolition process for the hotel. The KDLO staff have been informed, according to the new property owners and the County, that the property owners currently have all permits in place to commence work on the Private Properties. See attached list of permits provided by one of the Reef Capital Partners' representatives, Parker Enloe, labelled as Exhibit E.

In March 2022, the KDLO received a check from Old Republic Title Company on behalf of the new owners of the Private Properties. In April 2022, Archie McDonnell of Reef Capital Partners informed the KDLO that they were in escrow for the hotel and Hillary Burton would be the point of contact as one of the new owners of the Private Properties. Then, in an email from Parker Enloe on January 12, 2023, Mr. Enloe stated that Reef Capital Group was going to take an active role in bringing the development of the Private Properties to fruition instead of just selling the property. Apparently, the sale to Hillary Burton and her associates fell out of escrow. The KDLO was then told that the new owner would be RP21CP.

As to the new owner, RP21CP, the KDLO has not received an application for issuance of RPs, a request for new RPs under its name, or assignment of the other leases to RP21CP.

yet. The KDLO District Agent (DA) reached out to Mr. McDonnel, the point of contact for Reef Capital Group (previously Stillwater Equity Partners) and Mr. McDonnel disclosed that the new owner of the hotel is RP21CP, and that Chad DeCoursey is its point of contact. It was not until late December 2022 that Mr. DeCoursey was ever mentioned or included in any correspondence with KDLO.

On January 20, 2023, the KDLO DA emailed Messrs. McDonnel and DeCoursey the necessary applications to request the RPs and assignments of leases along with instructions. The DA spoke with Mr. DeCoursey on March 3, 2023, regarding the status of RP21CP's applications for the new RPs and lease assignments and was advised that RP21CP would be completing them some time in the next few weeks. It was not until March 22, 2023, that KDLO had received any completed applications.

During the March 3, 2023, phone call with Mr. DeCoursey, the KDLO DA advised him that staff was preparing this report to the Board and requested any helpful information or updates on the project that could be included. When the DA inquired as to if/when he would be addressing the lawsuit filed by IOW against the BLNR, Mr. DeCoursey stated that his attorney advised him that they should not get involved since his new limited liability company, RP21CP, was not named in the lawsuit. According to the Office of the County of Kaua'i Attorney's office, Mr. DeCoursey is in-house counsel for one of the Reef entities that is a member of RP21CP.

Not until being told that the RPs were in peril of being cancelled and being asked repeatedly for information regarding the current owners of the hotel and the status of the assignment to the new owners did Mr. McDonnel or Mr. DeCoursey respond or provide any of the requested documents.

The KDLO DA spoke on the phone with Mr. McDonnel on March 3, 2023, and again on March 6, 2023. The KDLO DA asked Mr. McDonnel what would happen if the Board cancelled the Coco Palms RPs. Mr. McDonnel said that if the Board were to cancel the RPs, the developer would sue the State since the cancellation of the Coco Palms RPs may affect the developer's permits and the developer would suffer monetarily. Mr. McDonnel then informed the KDLO DA that he will no longer be the point of contact for the Private Properties, RPs and lease assignments, and communications should now be directed to Mr. DeCoursey and Patrick Manning.

As noted above, at the October 14, 2022, Board meeting, IOW expressed an interest in leasing the properties under the current RPs. There was mention of the non-profit maintaining the lands with the hope of one day acquiring the Parcel 7 and building a cultural and educational center on it. According to the RP21CP, it reached out to IOW regarding the possible sale of the Parcel 7 to IOW but was told by IOW that it did not have the necessary funds. Prior to February 2023, IOW had not submitted an application to the DLNR for use of the State lands nor did IOW reach out to the KDLO to inquire about them.

IOW filed a lawsuit against the Board and CPV after the Board approved the re-issuance of the subject RPs for the year 2023. IOW's Complaint for Declaratory and Injunctive Relief is attached as Exhibit [D]. IOW has asserted that the Board violated Chapter 343, HRS, by: exempting the issuance of the subject RPs from Chapter 343 processes; not conducting Chapter 343 analyses regarding environmental impacts; and not considering the issuance of the subject RPs as part of the entire Coco Palms redevelopment (thus the issuance of the subject RPs required a Chapter 343 analysis for the entire redevelopment). Additionally, IOW asserts that the Board violated its constitutional fiduciary and trust duties by re-issuing the subject RPs for the year 2023 to the entity CPV. The Board, through the assigned deputy attorney general, is defending against this action and denied IOW's claims in its filed Answer to the Complaint. On February 21, 2023, an entry of default was entered against CPV for failure to plead or otherwise defend as required by law. No person or other entity has joined the lawsuit to defend CPV. On March 17, 2023, IOW filed a Motion for Summary Judgment against the Board and a hearing on that motion is currently scheduled for May 23, 2023. The State's opposition is not due until May 15, 2023.

On February 28, 2023, Teresa Tico, an attorney for IOW but not listed as counsel on the pending lawsuit, sent a letter of request to the DLNR to obtain the three subject Coco Palms RPs as well as General Lease 4878 ("GL4878"). See attached Exhibit F. According to the letter,

[IOW's] stewardship of these public trust parcels would enable restoration of these lands as a public place of cultural enrichment, historic preservation, land conservation and spiritual nourishment; an educational and interpretive gathering place; a center of Hawaiian cultural stewardship on Kaua'i; a core place for learning in Hawai'i. Our broader vision for these lands includes developing a cultural and educational center, a venue for hula and musical performance, parks, small-scale, organic agricultural production, restoration of the loko i'a (fishponds) on site, and gardens of native medicinal plants".

GL4878 does not expire until August 17, 2048 and cannot be arbitrarily cancelled. IOW's plan assumes the use of GL4878, but the Board cannot terminate nor compel the assignment of GL4878. The current character of use for GL4878 is "solely for landscaping and maintenance of premises for aesthetic, park and recreation." IOW's "broader vision" and proposed use does not align with the parcel's current designated use. KDLO staff feels that the RPs on their own are not suited for IOW's suggested use due to size and location. Therefore, the IOW's proposed project is not feasible with just the Coco Palms RP areas only.

It should also be noted that there are several other State leases as well as easements attached to the Private Properties and cancelling these RPs would possibly create some hardship for the current hotel owners, but the hotel itself is being constructed on the

Private Properties. In fact, the KDLO DA contacted the Office of the County of Kaua'i's attorney and specifically asked if the County-issued permits would be affected if the DLNR were to cancel the Coco Palms RPs and her response was "No, the resort parcel entitlements are not affected if DLNR cancels the RP/leases". She went on to say that the developer will have to answer the access question regarding RP S-7444, which includes the parcel at the corner of Kuamoo and Highway, i.e., how will access be gained to the driveway on Parcel 7, because this lease is in litigation over the RPs. Aside from Coco Palms RPs and GL4878, there are five (5) other State leases and easements tied to the private hotel property as noted on the attached maps labelled Exhibit G:

- GL4645, a term non-exclusive easement for access and utility purposes that expires on May 15, 2045;
- GL4244, a term non-exclusive easement for sewer purposes that expires on May 12, 2034;
- Land Office Deed (LOD) 28180, a perpetual easement for drainage ditch, pedestrian walkways, lagoon and culvert purposes;
- LOD27442, a perpetual easement for sewer purposes; and
- LOD12850, a perpetual easement for road purposes.

The KDLO staff believes that a continuation of the RPs under the terms and conditions previously approved at the Board's meeting of October 28, 2022, under Item D-1, is in the best interests of the State and is the most prudent course of action at this time. Staff will present a request for issuance of new RPs to RP21CP once its applications are received and processed. It is recommended that the lands under current RP S-7407 and RP S-7613 continue under new RPs to RP21CP until the dispositions are possibly converted to long-term easements. The land under RP S-7444 should continue under a new RP to RP21CP until KDLO staff is able to sell a long-term lease at public auction for this parcel since there has been interest from other parties, besides IOW and RP21CP.

Respectfully Submitted,



Alison Neustein
District Land Agent

APPROVED FOR SUBMITTAL:



Dawn N. S. Chang, Chairperson

Land Board Meeting: April 14, 2023; D-1:
Nonaction matter.

Nonaction matter.

RT

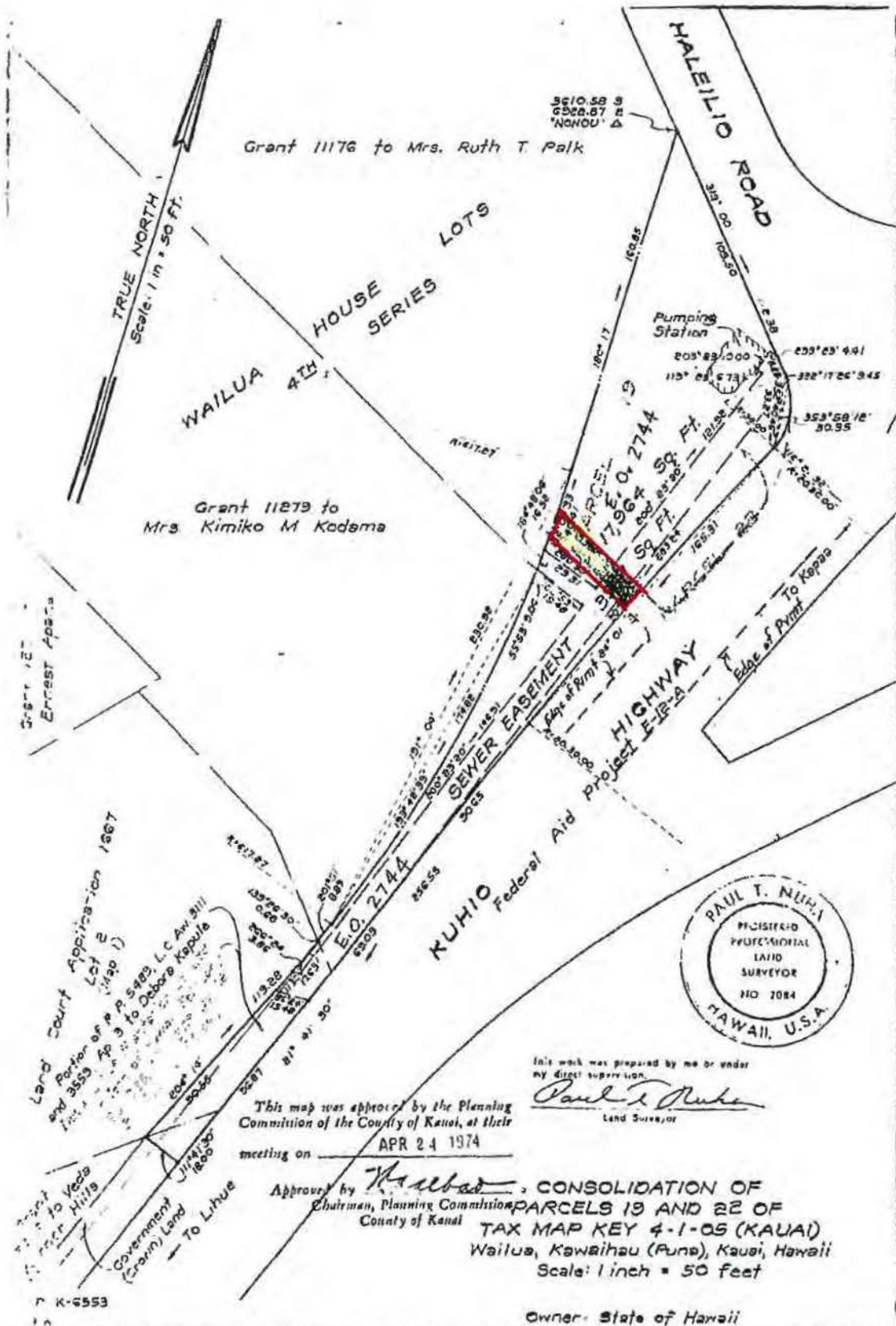
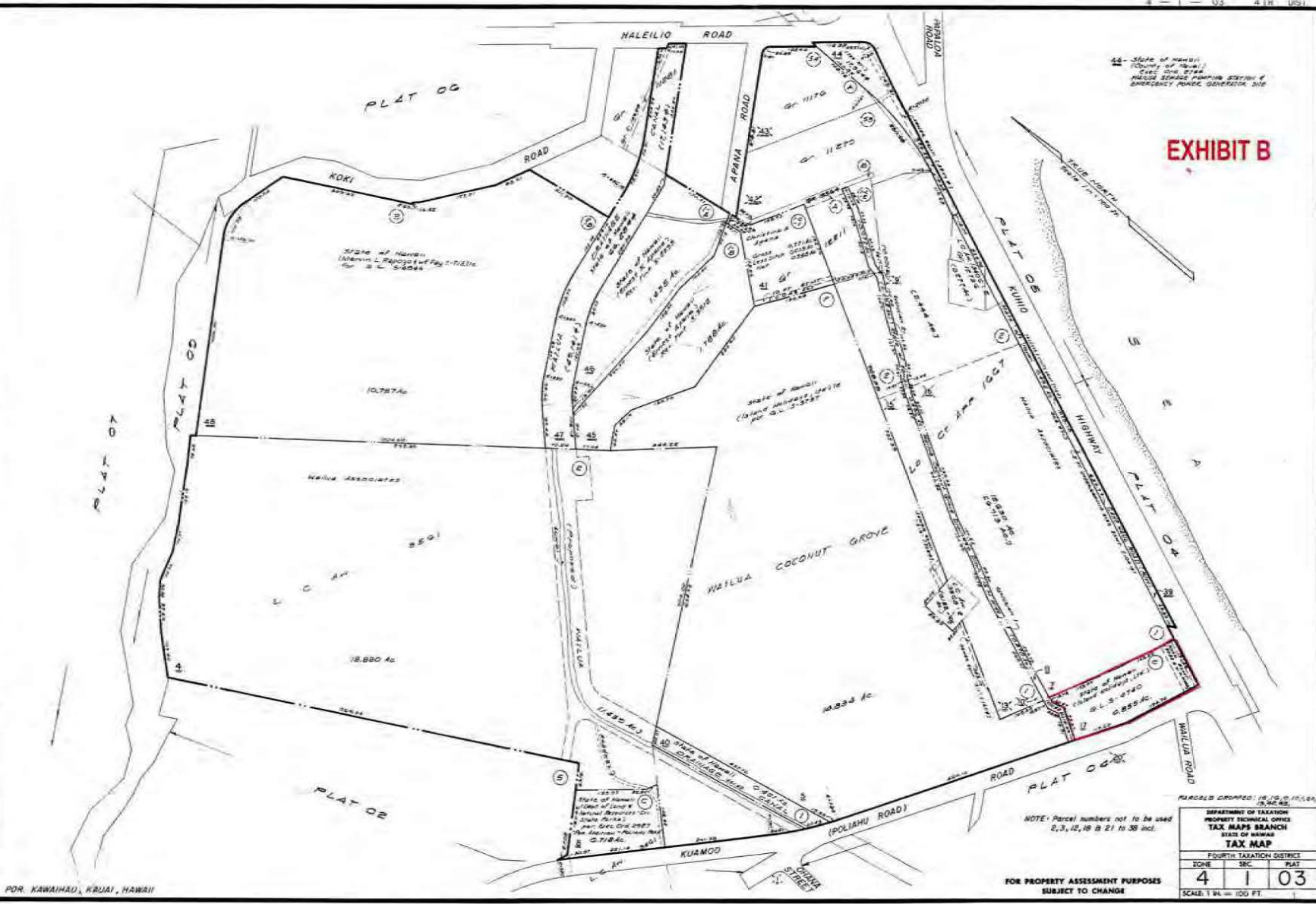


EXHIBIT A

EXHIBIT B



POR. KAWAIIHAWA, KĀHĀLA, HAWAII

FOR PROPERTY ASSESSMENT PURPOSES
SUBJECT TO CHANGE

PARCELS GROUPED: 18, 25, 26, 19, 24, 23, 22, 21, 20, 19, 18, 17, 16, 15, 14, 13, 12, 11, 10, 9, 8, 7, 6, 5, 4, 3, 2, 1

DEPARTMENT OF TAXATION
PROPERTY TECHNICAL OFFICE
TAX MAPS BRANCH
STATE OF HAWAII
TAX MAP

FOURTH TAXATION DISTRICT	
ZONE	PLAT
4	103

SCALE: 1 IN. = 100 FT.



LAW OFFICE OF BIANCA ISAKI

Bianca K. Isaki 9977
 1720 Huna Street, 401B
 Honolulu, Hawai'i 96837
 bianca.isaki@gmail.com
 (808) 927-5606

Electronically Filed

FIRST CIRCUIT

1CCV-22-0001495

25-NOV-2022

07:30 AM

Dkt. 1 CMPS

LAW OFFICE OF CHRISTINA LIZZI, LLC

Christina Lizzi 10964
 Post Office Box 1595
 Makawao, Hawai'i 96768
 christina@lizzi.law
 808.633.3966

LAW OFFICE OF RYAN D. HURLEY
A LIMITED LIABILITY LAW COMPANY

Ryan D. Hurley 9526
 Post Office Box 19205
 Honolulu, Hawai'i 96817
 ryan@rdhlawhi.com
 808.738.7610

RECEIVED
 2022 NOV 28 PM 2:47
 U.S. DISTRICT COURT
 DISTRICT OF HAWAII
 PACES

Attorneys for Plaintiff I OLA WAILUANUI

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

I OLA WAILUANUI, an unincorporated
 association,

Plaintiff,

vs.

BOARD OF LAND AND NATURAL
 RESOURCES, State of Hawai'i; COCO PALMS
 VENTURE, LLC, a foreign limited liability
 company; and DOES 1-27,

Defendants.

) Civil No. _____
) (Environmental Court)
)

) COMPLAINT FOR DECLARATORY
) AND INJUNCTIVE RELIEF;
) SUMMONS

COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

Plaintiff I OLA WAILUANUI, an unincorporated association (Plaintiff), respectfully
 submits this cause of action against Defendants BOARD OF LAND AND NATURAL
 RESOURCES, State of Hawai'i (Board); COCO PALMS VENTURE, LLC, a foreign limited

liability company; and DOES 1-27 (collectively, “Defendants”) to comply with the procedures mandated under Hawai‘i Revised Statutes (HRS), chapters 343 and the Board’s constitutional public trust duties and duties to protect and preserve the exercise of Kānaka Maoli traditional and customary rights.

This action arises from the Board’s October 28, 2022 decision to renew Revocable Permit (RP) 7407 to Defendant COCO PALMS VENTURE, LLC for 0.01 acres of public trust land located at Kapa‘a, Kaua‘i on Tax Map Key (TMK): (4) 4-1-003:004-0001, RP7444 for 0.855 acres of public trust land located at TMK (4) 4-1-003:017-0000, and RP74613 for 0.12 acres of public trust land located at TMK (4) 4-1-005:017-0000, in Wailuanuiaho‘āno, Wailua, Kaua‘i (collectively “Coco Palms RPs”).

I. JURISDICTION AND VENUE.

1. This lawsuit is based on violations of HRS, chapter 343, which governs environmental assessments. This Court has jurisdiction over the claims for relief in this action pursuant to HRS §§ 343-7, 603-21.5, 603-21.9, and 632-1; articles I, § 5, XI, §§ 1 and 9, and article XII §7 of the Hawai‘i State Constitution.

2. Venue properly lies in the Circuit Court of the First Circuit pursuant to HRS §§ 604A-2, 603-36(5), and 632-1 because claims for relief arose in this circuit and Defendant’s actions take place in this circuit and invoke the jurisdiction of the environmental court.

II. PARTIES

3. Plaintiff I OLA WAILUANUI, an unincorporated association, is based on Kaua‘i and composed of a working group of community leaders from Kaua‘i. Plaintiff is assembled to protect, restore, and raise awareness of the Wailuanuiaho‘āno – the great and sacred Wailua - via a community driven process for generations to come.

4. Plaintiff includes Kānaka Maoli traditional and customary practitioners whose practices include gathering, subsistence, and restoring food systems in the historic area of Wailuanuiaho‘āno, including on and near lands subject to the Coco Palms RPs.

5. Plaintiff includes those who are concerned about improper development and use of lands within and affected by the Coco Palms RPs, and their impacts on environment, traffic, nearshore areas, archaeological and cultural resources, recreational and cultural resources, sea level inundation, public facilities, and other impacts to the surrounding area.

6. Plaintiff engages in public education and awareness raising concerning restoration and protection for Wailuanuiaho‘āno and public processes regarding the same.

7. Defendant COCO PALMS VENTURE, LLC, a foreign limited liability company permittee), is the named recipient of the Board's Revocable Permit (RP) 7407, RP7444, and RP7613 for three parcels of state public trust land located at Wailuanuiaho'āno, Kapa'a, Kaua'i on Tax Map Keys (TMK): (4) 4-1-003:004-0001, (4) 4-1-003:017-0000, and (4) 4-1-005:017-0000 (collectively "Coco Palms RPs"). Permittee does not hold a valid registration with the State of Hawai'i Department of Commerce and Consumer Affairs. Permittee is not validly registered in Delaware. Upon information and belief, Permittee is no longer a valid entity.

8. Defendant BOARD OF LAND AND NATURAL RESOURCES (Board) is an agency of the State of Hawai'i and the decision making head of the Department of Land and Natural Resources (DLNR), which manages public lands of the State pursuant to HRS chapter 171. The Board's main office is located in Honolulu.

9. Additional Defendants Does 1-27 ("Doe Defendants") are persons or entities who may be liable to Plaintiffs or may have an interest in the matter or issues pending, whose identities and capacities are presently unknown to Plaintiffs. Plaintiffs have reviewed the permits, records, state and federal statutes, and other documents, but are unable to ascertain whether or not all parties liable to Plaintiffs are named therein. Plaintiffs will identify such Doe 1-27 Defendants when their names and capacities are ascertained, Plaintiffs are informed and believe and thereon allege that some of these Doe Defendants and at all times relevant herein, were, in some manner presently unknown to Plaintiffs engaged in and/or responsible for the intentional and/or negligent acts, breaches and/or omissions alleged herein, and/or were in some manner responsible for the damages to Plaintiffs and the public, as alleged herein.

III. BACKGROUND FACTS

10. The Coco Palms RPs are public trust (ceded) lands under the 1959 Admissions Act intended to benefit native Hawaiians.

11. Wailuanuiaho'āno, including the Coco Palms RPs, includes ancient heiau, was the birthing place for royalty, the site of astronomical tracking of the rising heavens, a gathering place and social headquarters in ancient Hawai'i.

12. Two ancient loko i 'a (fishponds) Loko Pu'uone (or Loko Hakuone) – inland fishponds Weuweu and Kaiwi'iki (or Kawai'iki) – are still present on the Wailuanuiaho'āno properties, including on and near the Coco Palms RPs.

13. Wailuanuiaho'āno, including areas on or near the Coco Palms RPs, is the home of

multiple sacred religious sites and birthing stones used by Ali'i in traditional times. Multiple heiau starting from the mouth of the Wailua river all the way to the summit of Wai'ale'ale, lie in Wailuanuiaho'āno.

14. Portions of the Coco Palms Hotel areas are on and near Mahunapu'uone burial grounds, where dozens of iwi kūpuna have been unearthed during previous construction.

15. Wailuanuiaho'āno, including areas on or near the Coco Palms RPs, is coastal wetland habitat for native and endangered waterbirds and other species.

16. Wailuanuiaho'āno, including areas on or near the Coco Palms RPs, is the site of Kaua'i's oldest coconut grove and historic auwai.

17. Fee-simple parcels nearby and adjacent to lands subject to the Coco Palms RPs, located at TMK (4) 4-1-003:004, 4-1-003:005, 4-1-003:011; 4-1-003:017; 4-1-005:014; 4-1-005:017 (Coco Palms hotel parcels), are currently subject to plans hotel redevelopment and associated parking lot, driveways, and amenities.

18. The Coco Palms Hotel parcels and the Coco Palms RPs concern sensitive areas, prone to flooding and other natural hazards, and are areas well known for parking and traffic congestion.

19. RP7613, for 0.12 acres of public trust land located at TMK (4) 4-1-005:017-0000, is adjacent to the location of the Coco Palms hotel's former restaurant. It fronts a popular surfing break and has been intermittently subject to the Board's annual renewal process for over ten years.

20. RP7407, for 0.01 acres of public trust land located at TMK (4) 4-1-003:004-0001, is part of and/ or adjacent to the Coco Palms hotel parcels, and has been intermittently subject to the Board's annual renewal processes for over ten years.

21. RP7444, for 0.855 acres of public trust land located at TMK (4) 4-1-003:017-0000, is adjacent to a well-trafficked junction with Kuhio Highway, is associated with the Coco Palms Hotel parcels, and has been intermittently subject to the Board's annual renewal processes for over ten years.

22. Defendant Board's renewal of the Coco Palms RPs uses state lands which is subject to environmental review requirements under HRS § 343-5.

23. At its October 28, 2022 meeting in Honolulu, the Board engaged in discussion on the Coco Palms RPs, during which Board staff represented: (1) the Coco Palms RPs are ancillary to nearby private parcels upon which the Coco Palms hotel existed; (2) current owners of those nearby private parcels are seeking permits for hotel development from the County of Kaua'i and those

decisions would be made in January 2023; and, (3) information establishing the named permittee of the proposed Coco Palms RPs as a current owner and/ or registered business entity in Hawai'i had not been submitted to DLNR.

24. The DLNR staff submittal for the October 28, 2022 regular meeting included a determination of exemption from HRS chapter 343 environmental document preparation for all renewals of annual revocable permits, including the Coco Palms RPs.

25. The "Exemption Notification" for the October 28, 2022 approved revocable permits cited General Exemption Type 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."

26. At its October 28, 2022 meeting, the Board did not prepare, or require to be prepared, environmental review disclosure documents for proposed uses of state lands under the Coco Palms RPs and voted to approve issuance of the Coco Palms RPs to Defendant COCO PALMS VENTURES, LLC.

27. Plaintiff timely files their complaint seeking judicial review of the Board's failure to conduct required analyses, decision to exempt the Coco Palms RPs from required environmental review document preparation, and dereliction of constitutional duties.

IV. CLAIMS FOR RELIEF.

COUNT ONE – VIOLATION OF CHAPTER 343, HRS – FAILURE TO PROPERLY ANALYZE WHETHER ACTION MERITED EXEMPTION

28. Plaintiff realleges and incorporates herein by reference each and every allegation contained in preceding paragraphs of this Complaint.

29. Defendants' proposal to dispose of state lands under the Coco Palms RPs constituted an "action" subject to HRS chapter 343.

30. Defendants were required to undertake an analysis to determine whether the action merits exemption under environmental review rules or whether significant cumulative impacts or particularly sensitive environment would make the exemption inapplicable.

31. Defendants did not undertake the required analysis of the proposed action in approving the Coco Palms RPs.

32. Defendants violated HRS chapter 343 environmental review procedures and the Board's exemption of the Coco Palms RPs is invalid.

33. Plaintiffs are harmed by Defendants' violations and request declaratory and injunctive relief for those harms.

COUNT TWO- VIOLATION OF CHAPTER 343, HRS – IMPROPER ASSESSMENT OF ENVIRONMENTAL IMPACTS AND ENVIRONMENT OF THE ACTION

34. Plaintiff realleges and incorporates herein by reference each and every allegation contained in preceding paragraphs of this Complaint.

35. Defendants' proposal to dispose of state lands under the Coco Palms RPs constituted an "action" subject to HRS chapter 343.

36. Defendants were required to undertake an analysis to determine whether the action merits exemption under environmental review rules or whether significant cumulative impacts or particularly sensitive environment would make the exemption inapplicable.

37. The action - approving the Coco Palms RPs - has significant cumulative impacts and will take place in a particularly sensitive environment, rendering an exemption determination unlawful.

38. The Coco Palms RPs constitutes an action that is not exempt from environmental review disclosure document preparation requirements.

39. Defendants exempted the Coco Palms RPs from environmental document preparation, and thus violated HRS chapter 343 environmental review procedures.

40. The Board's exemption of the Coco Palms RPs is invalid and the Coco Palms RPs were issued on improper procedure.

41. Plaintiffs are harmed by Defendants' violations and request declaratory and injunctive relief for those harms.

COUNT THREE - VIOLATION OF CHAPTER 343, FAILURE TO PREPARE ENVIRONMENTAL DISCLOSURE DOCUMENTS

42. Plaintiff realleges and incorporates herein by reference each and every allegation contained in preceding paragraphs of this Complaint.

43. Defendants' proposal to dispose of state lands under the Coco Palms RPs constituted an "action" subject to HRS chapter 343.

44. The action has significant cumulative impacts and will take place in a particularly sensitive environment, rendering an exemption determination unlawful.

45. Approval of the Coco Palms RPs constitutes an action that is not exempt from environmental review disclosure document preparation requirements.

46. Defendants did not prepare, or cause to be prepared, environmental impact review disclosure documents prior to approving the Coco Palms RPs.

47. Defendants violated HRS chapter 343 environmental review procedures by failing to prepare or cause to be prepared environmental impact review disclosure documents prior to approving the Coco Palms RPs.

48. Plaintiffs are harmed by Defendants' violations and request declaratory and injunctive relief for those harms.

COUNT FOUR- VIOLATION OF CHAPTER 343, HRS – SCOPE OF ACTION
IMPROPERLY DEFINED (SEGMENTATION)

49. Plaintiff realleges and incorporates herein by reference each and every allegation contained in preceding paragraphs of this Complaint.

50. Defendants' proposal to dispose of state lands under the Coco Palms RPs constituted an "action" subject to HRS chapter 343.

51. Defendants represented the Coco Palms RPs are separate from the private parcels upon which the Coco Palms hotel existed and for which current owners are seeking permits County of Kaua'i for future hotel development, with those County decisions to be made in January 2023.

52. The Coco Palms RPs are part of and would be used for purposes connected to or ancillary to the hotel commercial development on the private Coco Palms hotel parcels.

53. The Coco Palms RPs have been annually renewed for over ten years each prior to the Board's October 28, 2022 further annual renewal.

54. Upon approving the Coco Palms RPs on October 28, 2022, Board made no findings that uses of the parcels beyond one year would cease.

55. The Board's October 28, 2022 one year approval of the Coco Palms RPs is necessary to, represent a commitment to, and/ or are phases or increments of a larger program involving the private Coco Palms hotel parcels and extending beyond one year.

56. Defendants did not undertake the proper analysis of the environmental impacts of the proposed action prior to approving the Coco Palms RPs, which would include the larger program of which it is part.

57. Defendants did not conduct an appropriate review of the environmental impacts of the larger program of which the Coco Palms RPs are a part.

58. Defendants violated HRS chapter 343 environmental review procedures by failing to prepare or cause to be prepared environmental impact review disclosure documents prior to approving the Coco Palms RPs.

59. Plaintiffs are harmed by Defendants' violations and request declaratory and injunctive relief for those harms.

COUNT FIVE- VIOLATION OF CONSTITUTIONAL DUTIES

60. Plaintiff realleges and incorporates herein by reference each and every allegation contained in preceding paragraphs of this Complaint.

61. The environment, shoreline, coastal resources, wildlife, air, historic properties, and waters of Kaua'i are amongst those resources held in public trust by the State and its political subdivisions for the benefit of the people of Hawai'i and Native Hawaiians in particular.

62. The Board has a constitutional duty to protect and preserve public trust resources pursuant to article XI, §§ 1, 7, and 9 of the Hawai'i Constitution.

63. The Board has a fiduciary duty to public trust resources, including in its disposition of the Coco Palms RPs.

64. The Board has a constitutional duty to preserve and protect the exercise of Kānaka Maoli traditional and customary rights pursuant to article XII §7 of the Hawai'i Constitution.

65. The Board's renewal of the proposed Coco Palms RPs on October 28, 2022 was not informed by proper environmental review, impacts on the exercise of Kānaka Maoli traditional and customary rights, or whether the permittee is a valid business entity.

66. The Board has failed to consider, protect and advance the public's rights in a healthful and clean environment at every stage of the planning and decision-making process; to make required findings of the exercise of Kānaka Maoli traditional and customary rights affected by the proposed action, including feasible protections for the exercise of those rights; and to comply with its fiduciary duties by issuing the Coco Palms RPs to Defendant COCO PALMS VENTURES, LLC and exempting them from appropriate levels of environmental review.

67. Plaintiff is harmed by the Board's failure to fulfill its constitutional duties. Plaintiffs seek injunctive relief and declaratory orders against the Board's violation of its constitutional obligations.

COUNT SIX - INJUNCTION

68. Plaintiff realleges and incorporates herein by reference each and every allegation contained in preceding paragraphs of this Complaint.

69. Defendants are engaging in unlawful conduct.

70. Plaintiffs' right to clean and healthful environment, right to conduct native Hawaiian traditional and customary practices, and the right to due process have and will be violated by

Defendants' conduct.

71. By failing to comply with HRS chapter 343 and the Hawai'i Constitution, Defendants threaten imminent harm to the environment and communities of Kaua'i.

72. There is no adequate remedy at law for violations of Plaintiff's constitutional rights.

73. Public policy strongly supports the protection of Plaintiffs' constitutional rights and the protection of the environment.

74. Plaintiff seeks a preliminary injunction and a permanent injunction, enjoining Defendants and their agents and employees, and all persons acting under, in concert with, or for them from any conduct in furtherance on the basis of the Coco Palms RPs until such time as Chapter 343, HRS has been adequately and properly complied with.

WHEREFORE, Plaintiffs respectfully request that the Court:

1. Enter a declaratory judgment that:
 - a. Defendants violated HRS chapter 343 by exempting issuance of the Coco Palms RPs without conducting appropriate analyses of environmental impacts;
 - b. Defendants violated HRS chapter 343 by exempting issuance of the Coco Palms RPs where this action may have significant cumulative impacts or is within a particularly sensitive environment;
 - c. Defendants violated HRS chapter 343 by failing to prepare any environmental review documents prior to issuing the Coco Palms RPs;
 - d. Defendants violated HRS chapter 343 by failing to consider all phases and increments of the larger program of which the Coco Palms RPs are a part;
 - e. Defendant Board violated constitutional obligations by exempting the Coco Palms RPs from environmental review document preparation requirements;
 - f. the HRS chapter 343 exemption for the Coco Palms RPs is void;
2. For preliminary and permanent injunctive relief enjoining Defendants, and their employees, agents, servants, and representatives, and any other persons acting in concert with it, under its authority, or with its approval, from taking further action on the basis of the Coco Palms RPs until defendants fully comply with HRS chapter 343 and article XI, §§1, 7, and 9 of the Hawai'i Constitution.
4. For the Court to retain continuing jurisdiction to review defendants' compliance with all judgments and orders entered herein.

6. For such additional judicial determinations and orders as may be necessary to effectuate the foregoing.
7. For the costs of suit herein, including reasonable attorneys' fees; and
8. For such other and further relief as the Court may deem just and proper to effectuate a complete resolution of the legal disputes between plaintiffs and defendant.

DATED: Honolulu, Hawai'i

November 25, 2022

/s/ Bianca K. Isaki

LAW OFFICE OF BIANCA ISAKI

BIANCA ISAKI

/s/ Ryan D. Hurley

LAW OFFICE OF RYAN D. HURLEY

RYAN D. HURLEY

DATED: Makawao, Maui, Hawai'i

November 25, 2022

/s/ Christina Lizzi

LAW OFFICE OF CHRISTINA LIZZI

CHRISTINA LIZZI

Co-Counsel for Plaintiff I OLA WAILUANUI



STATE OF HAWAII CIRCUIT COURT OF THE FIRST CIRCUIT	SUMMONS TO ANSWER CIVIL COMPLAINT	CASE NUMBER
PLAINTIFF I OLA WAILUANUI, an unincorporated association,	VS.	DEFENDANT(S) BOARD OF LAND AND NATURAL RESOURCES, State of Hawaii; COCO PALMS VENTURE, LLC, a foreign limited liability company; and DOES 1-27,
PLAINTIFF'S NAME & ADDRESS, TEL. NO. I OLA WAILUANUI, c/o Law Office of Bianca Isaki, 1720 Huna St. 401B, Honolulu, HI 96817, (808) 927-5606; LAW OFFICE OF CHRISTINA LIZZI, LLLC, P.O. Box 1595, Makawao, HI 96768, 808.633.3966; LAW OFFICE OF RYAN D. HURLEY, PO Box 19205, Honolulu, HI 96817 808.738.7610		
TO THE ABOVE-NAMED DEFENDANT(S) <p>You are hereby summoned and required to file with the court and serve upon Bianca Isaki, Law Office of Bianca Isaki; Christina Lizzi, Law Office of Christina Lizzi; Ryan Hurley, Law Office of Ryan Hurley.</p> <hr/> <p>plaintiff's attorney, whose address is stated above, an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the date of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.</p> <p>THIS SUMMONS SHALL NOT BE PERSONALLY DELIVERED BETWEEN 10:00 P.M. AND 6:00 A.M. ON PREMISES NOT OPEN TO THE GENERAL PUBLIC, UNLESS A JUDGE OF THE ABOVE-ENTITLED COURT PERMITS, IN WRITING ON THIS SUMMONS, PERSONAL DELIVERY DURING THOSE HOURS.</p> <p>A FAILURE TO OBEY THIS SUMMONS MAY RESULT IN AN ENTRY OF DEFAULT AND DEFAULT JUDGMENT AGAINST THE DISOBEYING PERSON OR PARTY.</p>		
The original document is filed in the Judiciary's electronic case management system which is accessible via eCourt Kokua at: http://www.courts.state.hi.us	Effective Date of 28-Oct-2019 Signed by: /s/ Patsy Nakamoto Clerk, 1st Circuit, State of Hawaii 	
 In accordance with the Americans with Disabilities Act, and other applicable state and federal laws, if you require a reasonable accommodation for a disability, please contact the ADA Coordinator at the Circuit Court Administration Office on OAHU- Phone No. 808-539-4400, TTY 808-539-4853, FAX 539-4402, at least ten (10) working days prior to your hearing or appointment date.		

EXHIBIT E

COCO PALMS PERMIT STATUS as of March 1, 2023 TMK (4) 4-1-003:007				
BUILDING NUMBER/NAME	PERMIT NO.	PERMIT STATUS	VALUATION	COMMENTS
1-Shell Hotel Bldg 1. 3-story building renovation.	16-1946	AP	\$ 9,400,000	Building permit issued 6/27/2022. Written request for permit extension valid until 6/27/2023.
2-Al'i Kai I Hotel Bldg. 3-story building renovation.	16-1948	AP	\$ 7,990,000	Building permit issued 12/27/2022.
3-Al'i Kai II Hotel Bldg. 3-story building renovation.	16-1949	AP	\$ 7,800,000	Building permit issued 12/27/2022.
4-Lagoon Bldg. 2-story building renovation.	17-0566	AP	\$ 4,100,000	Building permit issued 12/27/2022. Written request for permit extension valid until 6/27/2023.
5-King Cottages				
5-A	16-1888	AP	\$ 343,250	Building permit issued 6/27/2022. Written request for permit extension valid until 6/27/2023.
5-B	16-1889	AP	\$ 343,250	Building permit issued 6/27/2022. Written request for permit extension valid until 6/27/2023.
5-C	16-1890	AP	\$ 343,250	Building permit issued 6/27/2022. Written request for permit extension valid until 6/27/2023.
5-D	16-1891	AP	\$ 343,250	Building permit issued 6/27/2022. Written request for permit extension valid until 6/27/2023.
5-E	16-1898	AP	\$ 343,250	Building permit issued 6/27/2022. Written request for permit extension valid until 6/27/2023.
6-Queen Cottages				
6-A	16-1892	AP	\$ 280,000	Building permit issued 6/27/2022. Written request for permit extension valid until 6/27/2023.
6-B	16-1893	AP	\$ 280,000	Building permit issued 6/27/2022. Written request for permit extension valid until 6/27/2023.
6-C	16-1894	AP	\$ 280,000	Building permit issued 6/27/2022. Written request for permit extension valid until 6/27/2023.
6-D	16-1895	AP	\$ 280,000	Building permit issued 6/27/2022. Written request for permit extension valid until 6/27/2023.
7-Prince Cottages				
7-A	16-1896	AP	\$ 410,000	Building permit issued 6/27/2022. Written request for permit extension valid until 6/27/2023.
7-B	16-1897	AP	\$ 410,000	Building permit issued 6/27/2022. Written request for permit extension valid until 6/27/2023.
8-King Lagoon Bldg-21 Suites. 3-story building renovation.	17-1915	AP	\$ 7,500,000	Building permit issued 6/27/2022. Written request for permit extension valid until 6/27/2023.
9-Spa Bldg (Shell Only). Renovation/repair of existing 4-story building 15,160 sq.ft.	17-1912	AP	\$ 2,500,000	Building permit issued 6/27/2022. Written request for permit extension valid until 6/27/2023.
10-Lobby Offices. 2-story building renovation.	17-0567	AP	\$ 2,700,000	Building permit issued 2/28/2023.
11-Retail Bldg. Repair to shell of 2-story building only.	17-1913	AP	\$ 1,600,000	Building permit issued 12/27/2022.
12-Queen's Hall. Repair to shell of 1-story building only.	17-1914	AP	\$ 1,800,000	Building permit issued 12/27/2022.
13-House in the Palms. Repair to shell of 1-story building only.	17-1909	AP	\$ 490,000	Building permit issued 6/27/2022. Written request for permit extension valid until 6/27/2023.
14-Palms Lanai-Bar. Repair to shell of 1-story building only.	17-1910	AP	\$ 175,000	Building permit issued 6/27/2022. Written request for permit extension valid until 6/27/2023.
15-16 Warehouse-Engineering. Repair to shell of 1-story building only.	17-1908	AP	\$ 1,000,000	Building permit issued 6/27/2022. Written request for permit extension valid until 6/27/2023.
17-Sea Shell Restaurant. Repair to shell of 1-story building only.	17-1916	AP	\$ 770,000	Building permit issued 12/27/2022.
20-Comfort Station. 1-story building.	17-1911	AP	\$ 80,000	Building permit issued 6/27/2022. Written request for permit extension valid until 6/27/2023.


EXHIBIT F

Teresa Tico, Attorney
P.O. Box 220
Hanalei, HI 96714
(808) 639-9080

February 28, 2023

VIA EMAIL and USPS

Russell Y. Tsuji, Land Division Administrator
Ian C. Hirokawa, Deputy administrator
Department of Land and Natural Resources
1151 Punchbowl Street, Room 220
Honolulu, Hawai'i 96813



Re: Letter of request from I OLA WAILUANUI, a nonprofit corporation, to obtain revocable permits and/or long-term leases for public lands situated at Wailua, Kawaihau, Kaua'i, Tax Map Key No. (4) 4-1-003:044-0001 (RP7407), (4) 4-1-003:017 (RP-7444), (4) 4-1-005:017 (RP-7613), and (4) 4-1-003:005 (GL4878).

Dear Administrator Russell Y. Tsuji,

I am an authorized representative of I OLA WAILUANUI, a Hawai'i registered nonprofit corporation based on Kaua'i (IOW). The IOW board is requesting the assignment to our organization of revocable permits (RPs) and/or long-term leases (GLs) for public lands situated at Wailua, Kawaihau, Kaua'i. These lands are located at and currently administered under the following: (4) 4-1-003:044-0001 (RP7407), (4) 4-1-003:017 (RP-7444), (4) 4-1-005:017 (RP-7613), and (4) 4-1-003:005 (GL4878). Our present letter of interest is separate from our legal efforts to protect these lands in Civil No. 1CCV-22-0001495, which is currently pending before Judge Lisa Cataldo of the First Circuit.

About I Ola Wailuanui

IOW is a charitable nonprofit corporation, based on Kaua'i and whose officers include community leaders from Kaua'i. IOW's mission is to protect, restore, and raise awareness of the Wailuanuiaho'āno – the great and sacred Wailua – via a community driven process for generations to come. IOW engages in service provision to the wider community, including through public education, events, and concerning restoration and protection for Wailuanuiaho'āno – the lands of which the requested RPs and GL are a part.

Our stewardship of these public trust parcels would enable restoration of these lands as a public place of cultural enrichment, historic preservation, land conservation and spiritual nourishment; an educational and interpretive gathering place; a center of Hawaiian cultural stewardship on Kaua'i; a core place for learning in Hawai'i. Our broader vision for these lands includes developing a cultural and educational center, a venue for hula and musical performance, parks, small-scale, organic agricultural production, restoration of the loko i'a (fishponds) on site, and gardens of native medicinal plants. IOW is already familiar with the lands and many of those who have strong connections to them.

Mr. Tsuji
2/28/2023
Page 2

IOW is in good standing with the State Department of Commerce and Consumer Affairs and is applying for certification as a tax exempt organization under 501(c)(3) of the Internal Revenue Code. IOW is able and willing to maintain the physical properties as well as insurance requirements for the properties.

Interest in obtaining permits and/or leases for the lands.

IOW understands the RPs will expire on or about October 28, 2023 and the next rental re-opening for GL4878 is set for August 17, 2023. Currently, all the RPs and GL4878 are held by Coco Palms Ventures, LLC, which has not been validly registered to transact business in Hawai'i since at least 2017.

County property taxes are due and owing on parcels subject to these RPs and GL4878. After providing Coco Palms Ventures, LLC sixty days notice, the Board of Land and Natural Resources (Board) is required to terminate the permits and lease. HRS §171-27. Given these parameters, Coco Palms Ventures' current status as permit- and lease-holder is not an insurmountable barrier to IOW's interests.

Nor would removing Coco Palms Ventures from its status as leaseholder necessarily result in the time and expense of a public auction. The Board is authorized to engage in direct negotiations with charitable organizations. HRS §171-43.1. IOW thus requests your consideration and your assistance in planning for our ability to obtain RP7407, RP7444, RP7613, and GL4878 as soon as practicable.

Please contact me with any questions at (808) 639-9080 [REDACTED].
Thank you for your time and consideration.

Your truly,

Teresa Tico

Teresa Tico
Attorney for I Ola Wailuanui

cc: Karen Ono
Puali'i Rossi-Fukino
Mason Chock
Makana Reilly
Gary Hooser
Derek Kawakami

DLNR Revocable Permit areas are shown in **dashed green lines**

4 1 03 4TH DIS

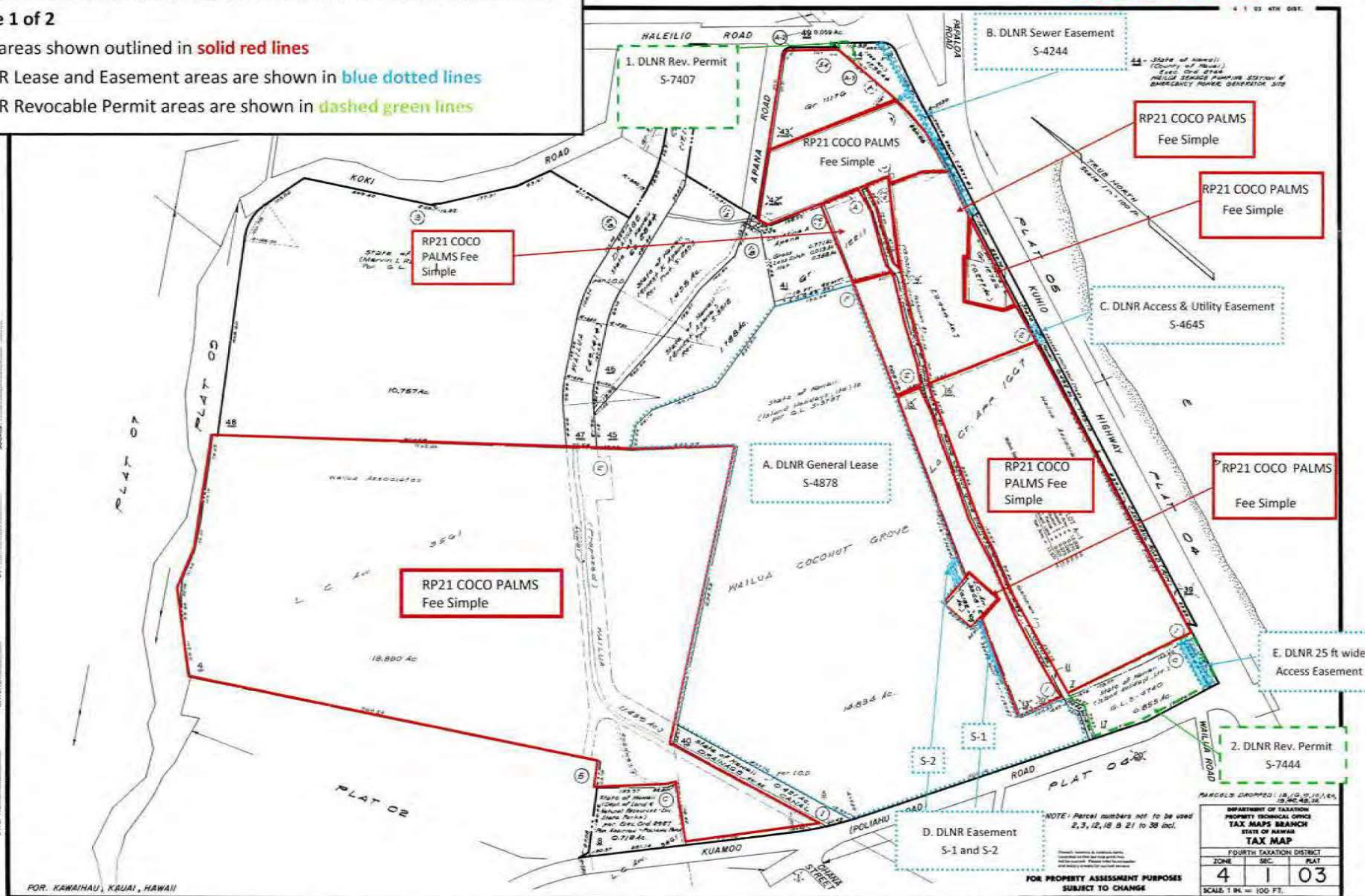


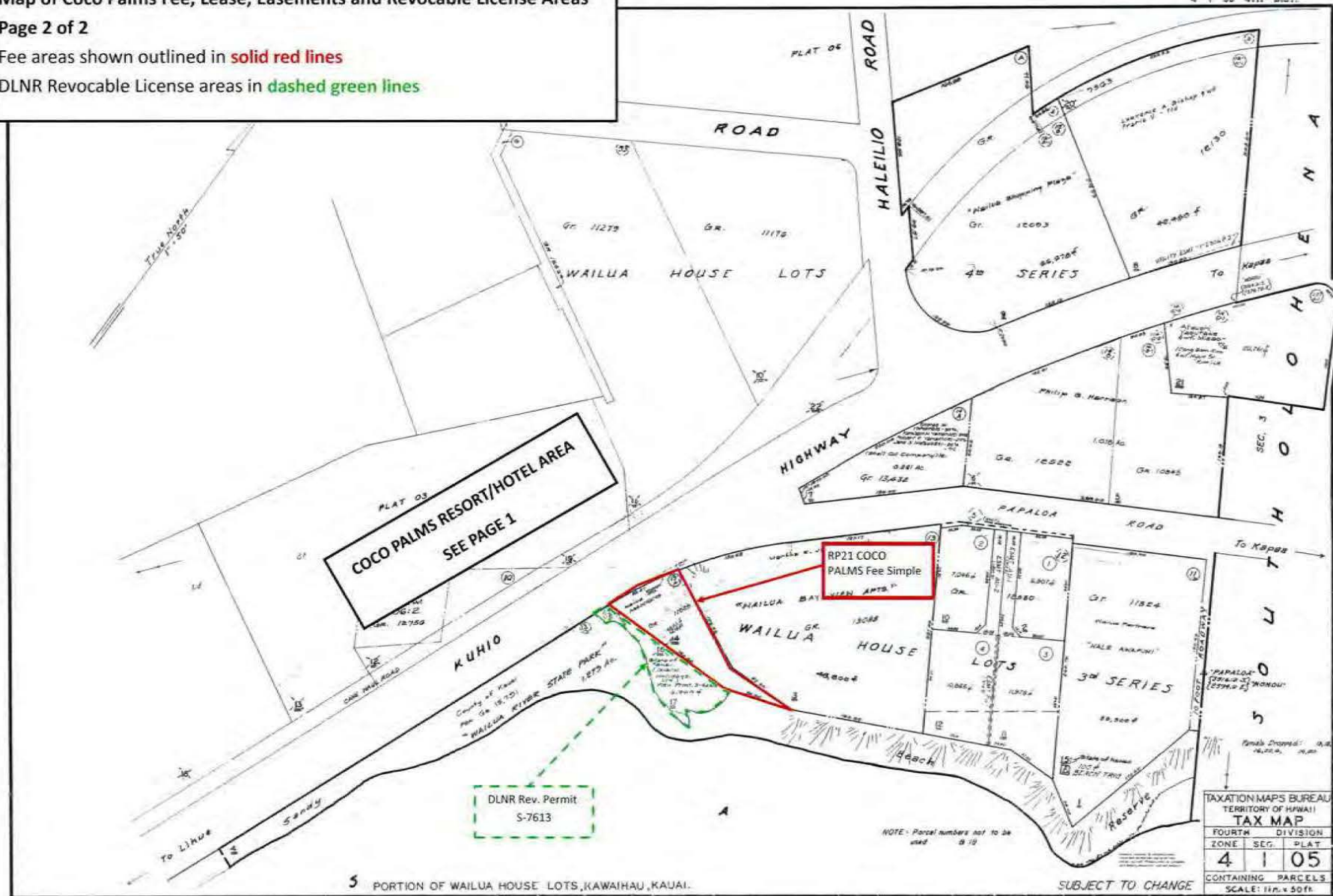
EXHIBIT G

Map of Coco Palms Fee, Lease, Easements and Revocable License Areas

Page 2 of 2

Fee areas shown outlined in **solid red lines**

DLNR Revocable License areas in dashed green lines



TAXATION MAPS BUREAU		
TERRITORY OF HAWAII		
TAX MAP		
FOURTH		DIVISION
ZONE	SEG.	PLAT
4	1	05
CONTAINING PARCELS		
SCALE: 1 in. = 50 ft.		

RECEIVED

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

October 28, 2016

EXHIBIT H

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

16KD-139

Kauai

Cancellation of Revocable Permits Nos. S-7407, S-7444 and S-7613 to Coco Palms Ventures LLC; Issuance of Revocable Permits to Coco Palms Hui LLC, Wailua, Kawaihau, Kauai, Tax Map Keys: (4) 4-1-003:044 por., (4) 4-1-003:017 and (4) 4-1-005:017.

APPLICANT:

Coco Palms Hui LLC, a Foreign Limited Liability Company.

LEGAL REFERENCE:

Sections 171-13 and -95, Hawaii Revised Statutes, as amended.

LOCATIONS:

Portion of Government lands of Wailua situated at Kawaihau, Kauai, Hawaii, identified by Tax Map Keys: (4) 4-1-003:044 por., (4) 4-1-003:017 and (4) 4-1-005:017, as shown on the attached maps labeled Exhibit A, B and C.

AREA:

TMK: (4) 4-1-003:044 por. 460 square feet, more or less (Parcel A).
TMK: (4) 4-1-003:017 0.855 acres, more or less (Parcel B).
TMK: (4) 4-1-005:017 5,224 square feet, more or less (Parcel C).

ZONING:

State Land Use District: Urban
County of Kauai CZO: R-10

as amended

APPROVED BY THE BOARD OF
LAND AND NATURAL RESOURCES
AT ITS MEETING HELD ON

October 28, 2016 *510*

TRUST LAND STATUS:

Three Revocable Permits:

Section 5(b) lands of the Hawaii Admission Act

DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: NO

CURRENT USE STATUS:

Parcel A (RP S-7407) - driveway access is currently blocked off to traffic for existing parking lot.

Parcel B (RP S-7444) - currently being used by the demolition company for parking of employees.

Parcel C (RP S-7613) - currently vacant; restaurant is scheduled for renovation.

CHARACTER OF USE AND CURRENT RENT:

Parcel A - Encumbered by Revocable Permit No. S-7407, Coco Palms Ventures LLC, Permittee, for use and maintain driveway for vehicular access purposes. Rent under RP S-7407 is currently \$13.00 per month.

Parcel B - Encumbered by Revocable Permit No. S-7444, Coco Palms Ventures LLC, Permittee, for parking and landscaping purposes. Additionally encumbered by Land Office Deed No. 12850, which is a perpetual access easement in favor of Coco Palms Ventures LLC. Rent under RP S-7444 is currently \$372.00 per month.

Parcel C - Encumbered by Revocable Permit No. S-7613, Coco Palms Ventures LLC, Permittee, for restaurant, landscaping and related purposes. Rent under RP S-7613 is currently \$282.00 per month.

COMMENCEMENT DATE:

The first day of the month to be determined by the Chairperson.

MONTHLY RENTAL:

As an interim measure, staff recommends the initial rent be carried over from the previous revocable permits with adjustments as follows:

<u>Parcel</u>	<u>Rent under prior Permit</u>	<u>Rent under new Permit</u>
Parcel A	\$13.00 per month	\$40.00 per month
Parcel B	\$372.00 per month	\$422.20 per month
Parcel C	\$282.00 per month	\$320.00 per month

The adjustment to the Parcel A rent reflects an increase to the minimum rent for new dispositions under the Board's minimum rent policy. The adjustments to the Parcel B and Parcel C rents reflect a 13.5% increase over the prior rents established by in-house appraisal in 2008, using the average consumer price index increase approach the Board recently approved in the annual renewals of revocable permits for the various islands.

Additionally, the Applicant will be required to pay for an independent appraisal to determine the fair market rent to charge for the parcels, subject to review and approval by the Chairperson. Rent will be adjusted retroactively to the date of permit issuance to account for any difference between the interim rent and the appraised rent, provided that the rent shall not be lower than \$40.00 per month per parcel.

COLLATERAL SECURITY DEPOSIT:

Twice the monthly rental.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with Hawaii Administrative Rule Section 11-200-8 and the Exemption List for the Department of Land and Natural Resources concurred 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. See Exemption Declaration attached as Exhibit D.

DCCA VERIFICATION:

Place of business registration confirmed:	YES
Registered business name confirmed:	YES
Applicant in good standing confirmed:	YES

APPLICANT REQUIREMENTS:

Applicant shall be required to:

Pay for an appraisal to determine fair market rent to be determined by independent appraiser, subject to review and approval by the Chairperson.

JUSTIFICATION FOR REVOCABLE PERMITS:

Parcel A (RP No. S-7407)

Parcel A will be used on short-term basis only for duration of the hotel renovation. Parcel A provides access to a parking lot on Applicant's private property. Additionally, the Department of Transportation, Highways Division, has expressed interest in

acquiring an executive order over Parcel A and other State lands in the area for the widening of Kuhio Highway. Accordingly, Parcel A is unsuitable for a long-term disposition that could interfere with DOT's plans.

Parcel B (RP No. S-7444)

Parcel B will similarly be used on a short-term basis as a parking area for construction workers working on the hotel renovation. Additionally, a revocable permit will allow the land to be utilized while staff plans for the future disposition of parcel, including evaluation of the potential for the sale of a lease at auction. As noted above, Parcel B is also encumbered by an access easement in favor of Coco Palms Ventures LLC, which will need to be assigned to Applicant with Board consent (to be addressed at a separate meeting).

Parcel C (RP No. S-7613)

The unusual shape and small size of Parcel C may make it difficult to utilize as a stand-alone parcel. Nevertheless, staff will explore the possibility of selling a long-term lease of the parcel at public auction.

REMARKS:

Brief history of Coco Palms:

Originally built in the 1940s, the hotel was known as Coco Palm Lodge. On January 25, 1953, under the management of Island Holidays, Ltd., the property was renamed Coco Palms Resort.

In 1969, Amfac purchased Island Holidays, Ltd. and the Coco Palms property.

In 1985, Amfac sold the property to Wailua Associates, who managed the hotel until Hurricane Iniki struck on September 11, 1992.

In 2006, the property was sold to Coco Palms Ventures LLC (CPV). After years of planning, building permits, etc., with the economic downturn, CPV struggled to find new investors for this project but eventually gave up on the project.

Prudential Insurance PR II LLC took over ownership of the property.

In May 2016, Coco Palms Hui LLC became the new owners of the property.

Parcel A (RP No. S-7407)

Previous revocable permits issued for the same purpose under previous owners:
RP S-4253 – Island Holidays, Ltd.

RP S-5958 – Island Holidays, Inc.
RP S-6233 – Wailua Associates
RP S-7407 – Coco Palms Ventures LLC

Parcel B (RP No. S-7444)

Previous General Lease for the same purpose under previous owners:

GL S-4740 – Island Holidays, Ltd.
GL S-4740 – Wailua Associates (consent to assignment)
GL S-4740 – Coco Palms Ventures LLC (expired 2006, RP issued)

Parcel C (RP No. S-7613)

Previous Revocable Permits issued for the same purpose under previous owners:

RP S-6234 – Wailua Associates

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.

The proposed use has continued since 1968 and will continue. Such use has resulted in no known significant impacts, whether immediate or cumulative, to the natural, environmental and/or cultural resources in the area. As such, staff believes that the proposed use would involve negligible or no expansion or change in use of the subject area beyond that previously existing.

RECOMMENDATION: That the Board:

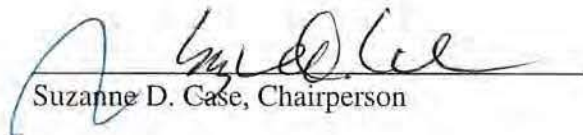
1. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Chapter 11-200, HAR, this project will probably have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment.
2. Authorize the issuance of a revocable permit to Coco Palms Hui LLC covering Parcel A for use and maintenance of a driveway for vehicular access 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 revocable permit form, as may be amended from time to time;
 - b. Review and approval by the Department of the Attorney General; and
 - c. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

3. Authorize the issuance of following revocable permit to Coco Palms Hui LLC covering Parcel B for parking and landscaping 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 revocable permit form, as may be amended from time to time;
 - b. Review and approval by the Department of the Attorney General; and
 - c. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.
4. Authorize the issuance of following revocable permit to Coco Palms Hui LLC covering Parcel C for restaurant, landscaping and related 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 revocable permit form, as may be amended from time to time;
 - b. Review and approval by the Department of the Attorney General; and
 - c. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,


Marvin Mikasa
District Land Agent

APPROVED FOR SUBMITTAL:


Suzanne D. Gase, Chairperson

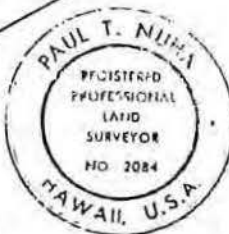
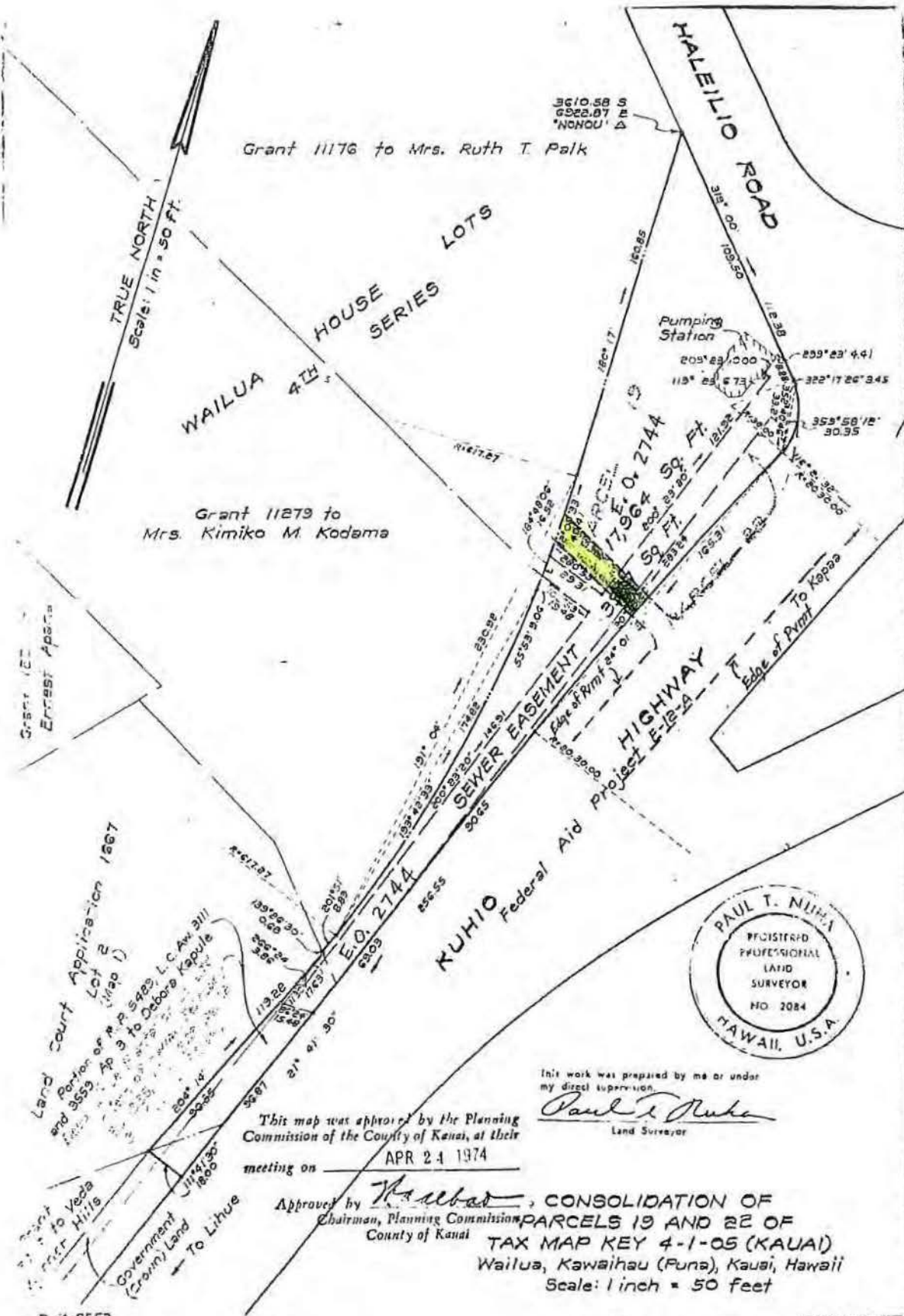
Land Board Meeting: October 28, 2016;
D-1: Approved as amended.

Approved as amended. See attached page.

Land Board Meeting: October 28, 2016; D-1: Approved as amended.

Approved as amended. *The Board amended the Recommendation section by inserting a new recommendation number 5 as noted below:*

5. Termination of Revocable Permits Nos. S-7407, S-7444 and S-7613 upon the issuance of the respective replacement revocable permits.



This work was prepared by me or under my direct supervision.
Paul T. Nuih
Land Surveyor

This map was approved by the Planning Commission of the County of Kauai, at their meeting on APR 24 1974

Approved by *Maalaea*
Chairman, Planning Commission
County of Kauai

CONSOLIDATION OF
PARCELS 19 AND 22 OF
TAX MAP KEY 4-1-05 (KAUAI)
Wailua, Kawaihau (Puna), Kaula, Hawaii
Scale: 1 inch = 50 feet

Owner: State of Hawaii

EXHIBIT "A"

00 March 9 1974

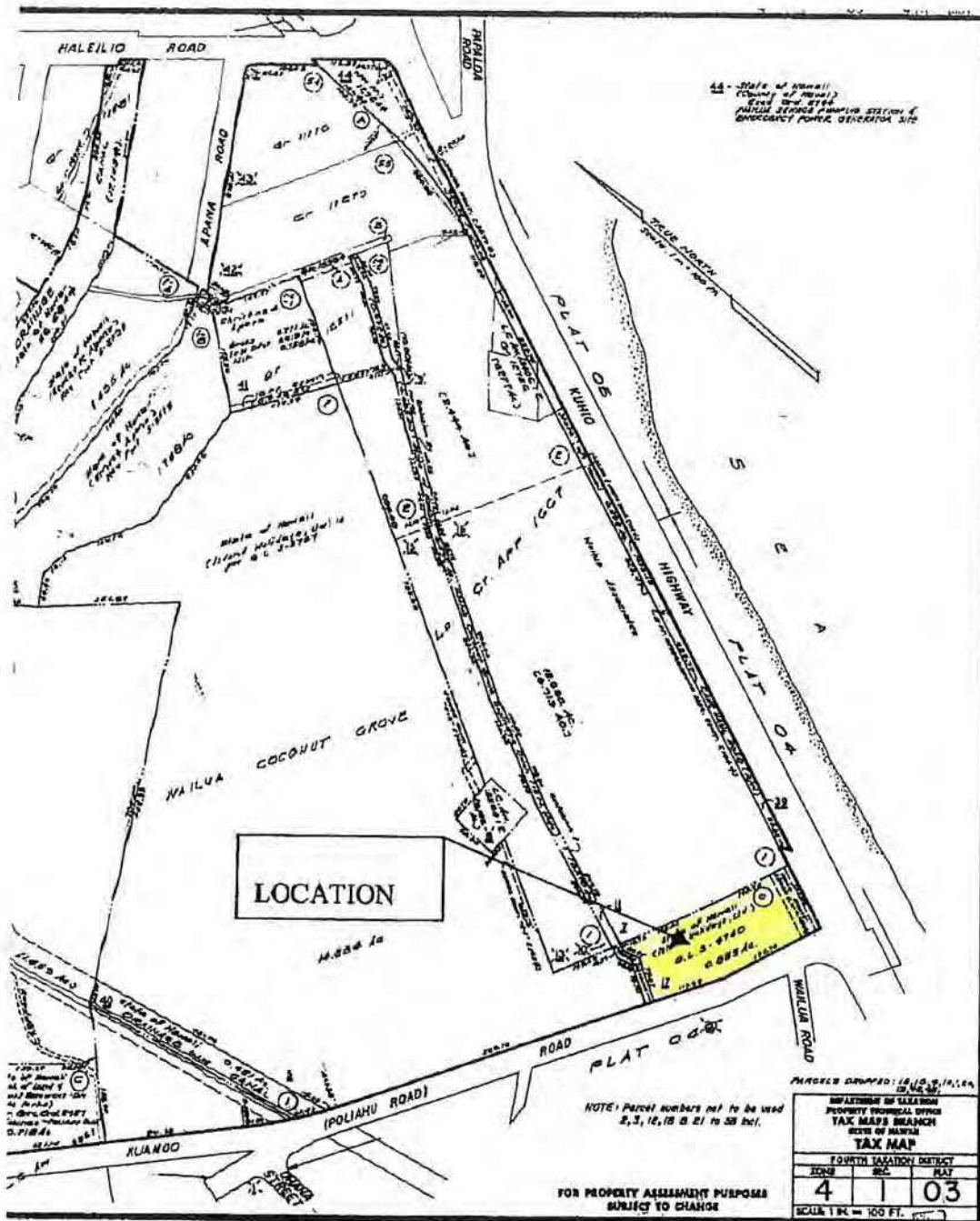
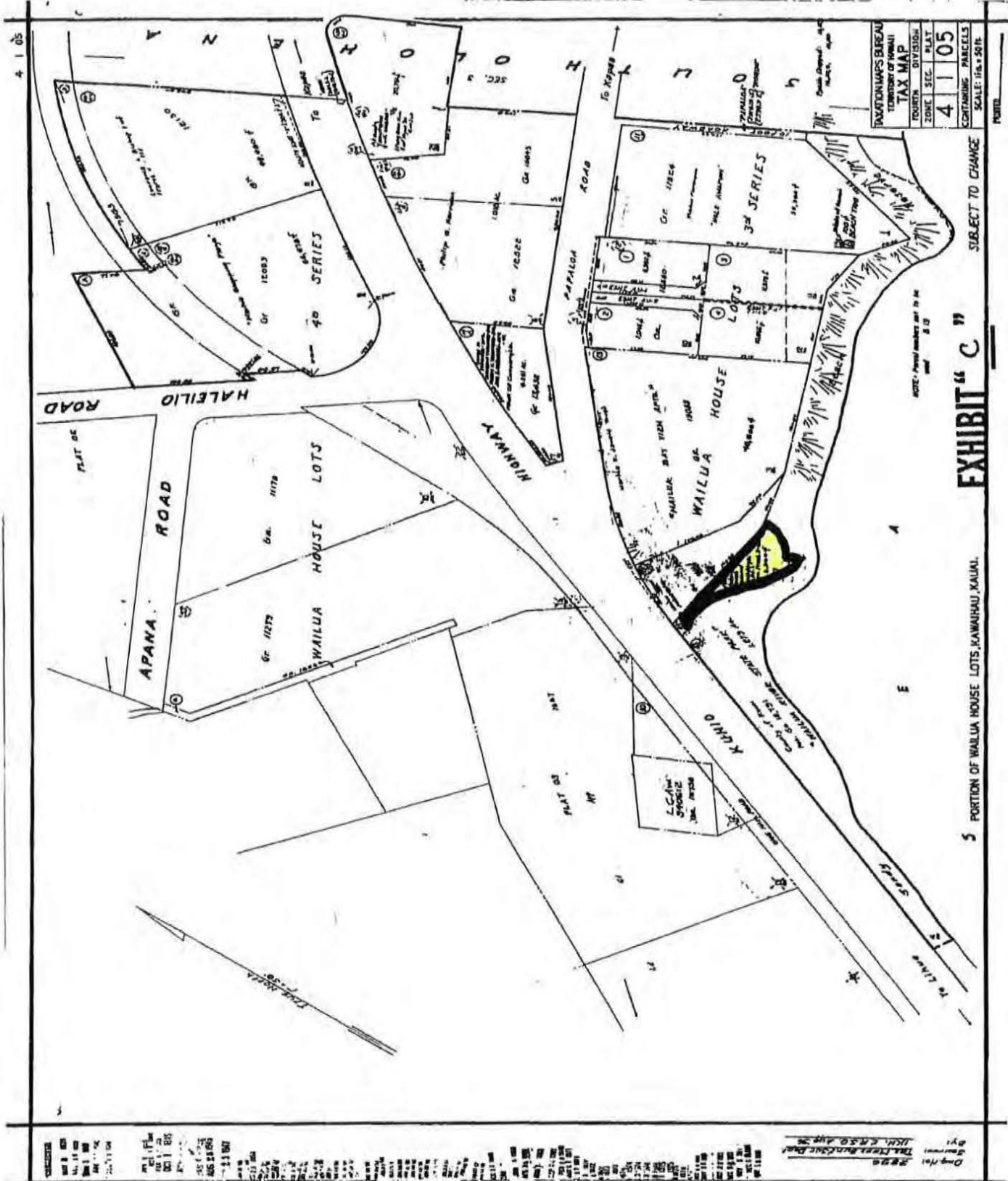


EXHIBIT 3

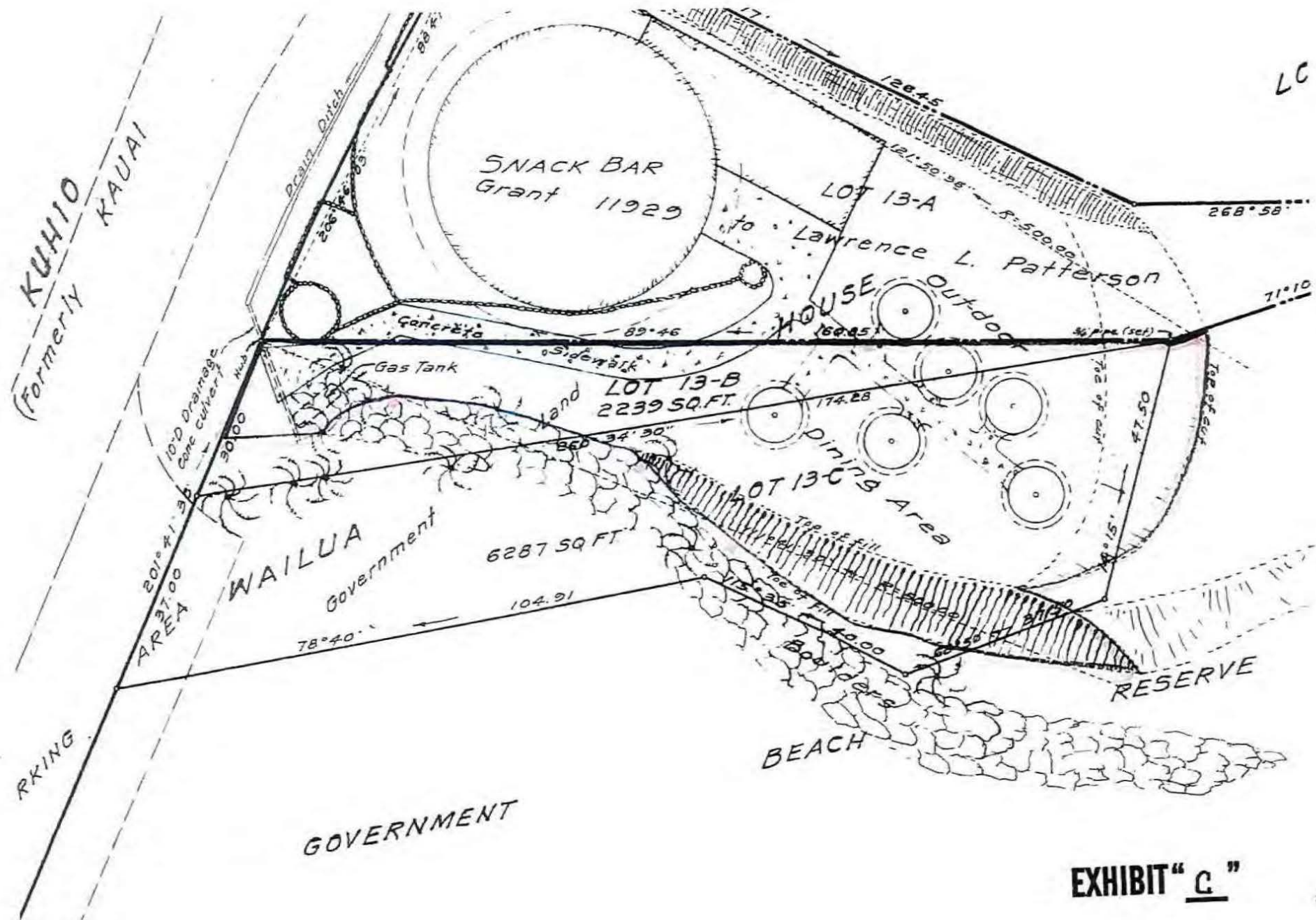


SUBJECT TO CHANGE

EXHIBIT "C"

5 PORTION OF WAILUA HOUSE LOTS, KAWAIIHAW, KAUAI.

PRELIM APPR'D.
Department of the
Attorney General



EXEMPTION NOTIFICATION

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

Project Title: Cancellation of Revocable Permits No. S-7407, S-7444 and S-7613 to Coco Palms Ventures LLC; Issuance of Revocable Permits to Coco Palms Hui LLC, Wailua, Kawaihau, Kauai, Tax Map Keys: (4) 4-1-003:044, (4) 4-1-003:017 and (4) 4-1-005:por. 017.

Project Number: PSF No. 16KD-139

Project Description: Cancellation and issuance of new revocable permits to Coco Palms Hui LLC

Chap. 343 Trigger(s): Use of State Land

Exemption Class No.: In accordance with the Exemption List for the Department of Land and Natural Resources, approved by the Environmental Council on June 5, 2015, the subject request of an Environmental assessment pursuant to Exemption Class 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."

The renewal of existing revocable permits on State lands involves the continuation of existing uses on the lands. No change in use is authorized by the renewal.

Recommendation: It is anticipated that this request will probably have minimal or no significant effect on the environment and is presumed to be exempt from the preparation of an environmental assessment.

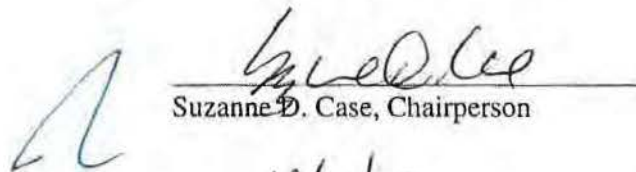
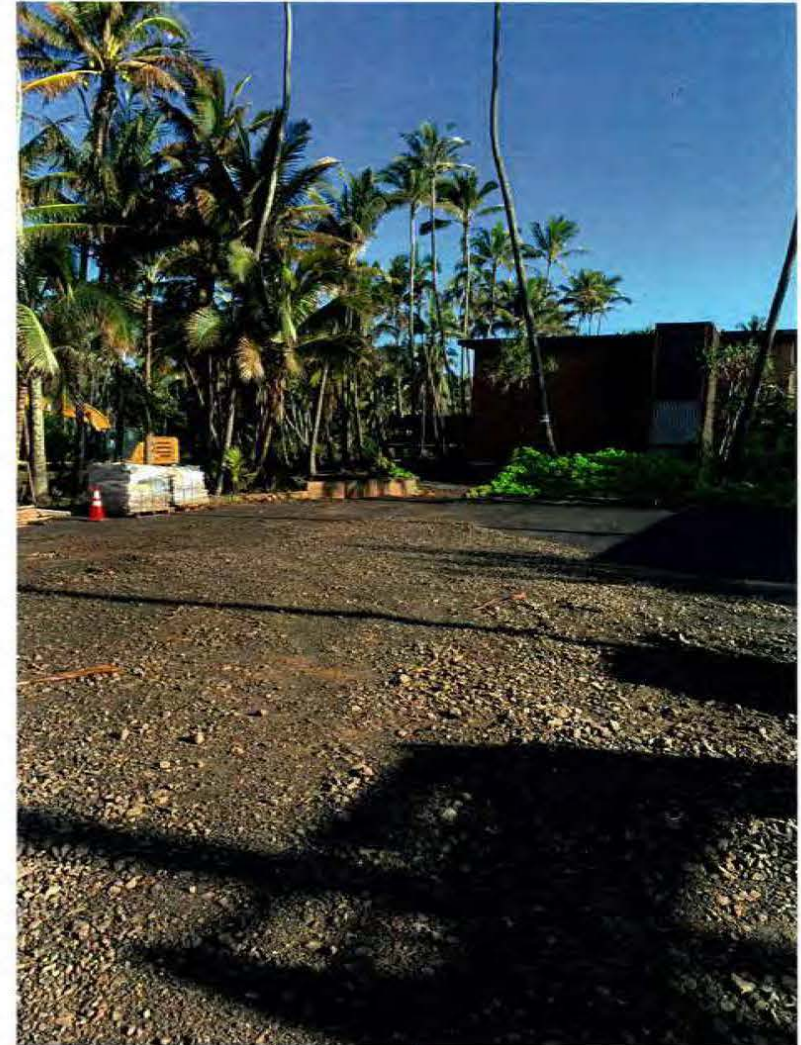

Suzanne D. Case, Chairperson
10/13/16
Date

EXHIBIT D



Parcel A (RP S-7407)



Parcel B (RP S-7444)



Parcel C (RP S-7613)