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Testimony in Support of the Termination of Revocable Permit S-7915
Item D-8 on the September 27, 2024 Agenda

Chair Chang and member of the Board,

I support the termination of the revocable permit. For too long, Resorttrust Hawaii, LLC was allowed to exclude the public from land that had been dedicated to “be used as a public beach.”

In 2018, members of the public provided evidence to BLNR that Resorttrust Hawaii, LLC was using a public beach to operate a restaurant and bar, host weddings, and to rent beach chairs and cabanas. None of that was legal. But DLNR staff and BLNR refused to do anything about it. Instead, it was City enforcement action that led to the removal of the restaurant and cabanas. That was an improvement, but the hotel continued to preset chairs and exclude the public. Moreover, Tyler Ralston and I have repeatedly provided evidence that Resorttrust Hawaii, LLC was not complying with the terms of the permit. But DLNR staff refused to acknowledge the obvious. We were disappointed in DLNR and BLNR’s response.

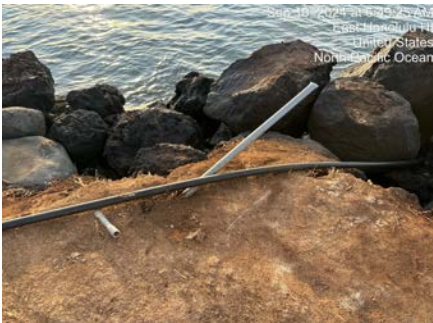
Since mid-February, we have noticed that the hotel stopped pre-setting chairs. And the hotel has stopped stacking and storing chairs on the revocable permit parcel. The towel caddy has now been moved back on to the hotel’s property. The area looks so much better now.

I am pleased to see that Resorttrust Hawaii, LLC has finally thrown in the towel (into the towel caddy placed on its own land).

To avoid future controversy and ambiguity, **the staff submittal should be amended to say that the new revocable permit should explicitly prohibit presetting on, or commercial use of, the revocable parcel and the sandy beach.**

Other issues deserve some attention:

- Unusable white pipes litter the Koko Head peninsula. I’m not sure how the staff inspection failed to notice them. It wouldn’t take more than about half an hour for someone who cared about the way things look to clean up the peninsula. Here are just two examples:



- The hedge on the Koko Head side of the RP should be removed. It serves no purpose other than to create the illusion of a private-property barrier, discouraging public use of public land.
- Part of the hedge on the Diamond Head side should probably be removed as well. Doing so would be an invitation to members of the public to sit there. (Who goes to the beach to sit behind a hedge?)

Aloha,

/s/ David Kimo Frankel