

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

May 22, 2015

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

Ref: 15OD-081

Oahu

After-the-Fact Issuance of Right-of-Entry Permit to Hilton Hawaiian Village LLC for Beach Activities Purposes on May 4 to 8, 2015, Waikiki, Honolulu, Oahu, Tax Map Key: (1) 2-3-037:Portions of 021.

APPLICANT:

Hilton Hawaiian Village LLC, a domestic limited liability company.

LEGAL REFERENCE:

Sections 171-55, Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government lands situated at Waikiki, Honolulu, Oahu, identified by Tax Map Key: (1) 2-3-037:Portions of 021, as shown on the map attached as **Exhibit A**.

AREA:

1,800 square feet (portion of Duke Kahanamoku Beach); and
3,000 square feet (Duke Lagoon's Island), more or less.

ZONING:

State Land Use District: Urban
City and County of Honolulu LUO: Resort

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:

Requested area is vacant and unencumbered.

CHARACTER OF USE:

Beach activities purposes.

TERM:

From 8:00 a.m. on May 4 to 11:00 p.m. on May 8, 2015 – Duke Kahanamoku Beach
From 8:00 a.m. on May 5 to 11:00 p.m. on May 7, 2015 – Duke Lagoon's Island.

RENTAL:

\$2,800 (including 1,800 rent and \$1,000 late surcharge).

COLLATERAL SECURITY DEPOSIT:

None.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

Pursuant to the authority delegated by the Board on June 14, 2013, item D-11, as amended, Chairperson declared the request exempt from the preparation of an environmental assessment, and signed the exemption notification.

DCCA VERIFICATION:

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

REMARKS:

Applicant is requesting a right-of-entry permit over a portion of the beach fronting the Duke Kahanamoku Beach and the Duke Lagoon's Island as depicted on Exhibit A in connection with a welcome reception to be held on the hotel property. The applicant plans to place banner and signs on the island, while the beach area will be used as an overflow area for the reception. Applicant is aware that that no alcoholic beverages shall be served on the requested State lands, and all amplified sound or music will be directed at the hotel. Public access to the shoreline will also be maintained during the requested period.

Land Division received the application on April 23, 2015, i.e. less than two (2) weeks prior

to the requested dates. Pursuant to the policy authorized by the Board at its meeting on June 14, 2013, Item D-11, as amended, staff recommends the Board impose a late surcharge of \$1,000 in addition to the normal fee payable for similar event.

Meanwhile, Land Division is willing to recommend that the Chairperson authorize the issuance of the right-of-entry with the intent of seeking an after-the-fact approval from the Board. This approach was approved by the Board at its meeting on June 14, 2013, Item D-11, as amended.

The Chairperson declared the request exempt from the preparation of an environmental assessment and issued a right-of-entry for the requested event.

Applicant has not had a lease, permit, easement or other disposition of State lands terminated within the past five years due to non-compliance with such terms and conditions. No comments were solicited from government or community agencies.

There are no pertinent issues or concerns and staff does not have any objection to the request.

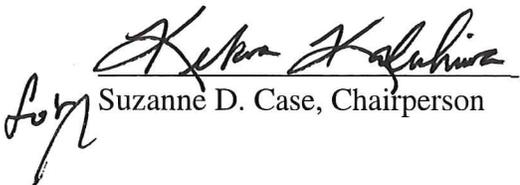
RECOMMENDATION: That the Board authorize the issuance of an after-the-fact right-of-entry permit to Hilton Hawaiian Village LLC covering the subject area for beach activities purposes under the terms and conditions cited above.

Respectfully Submitted,

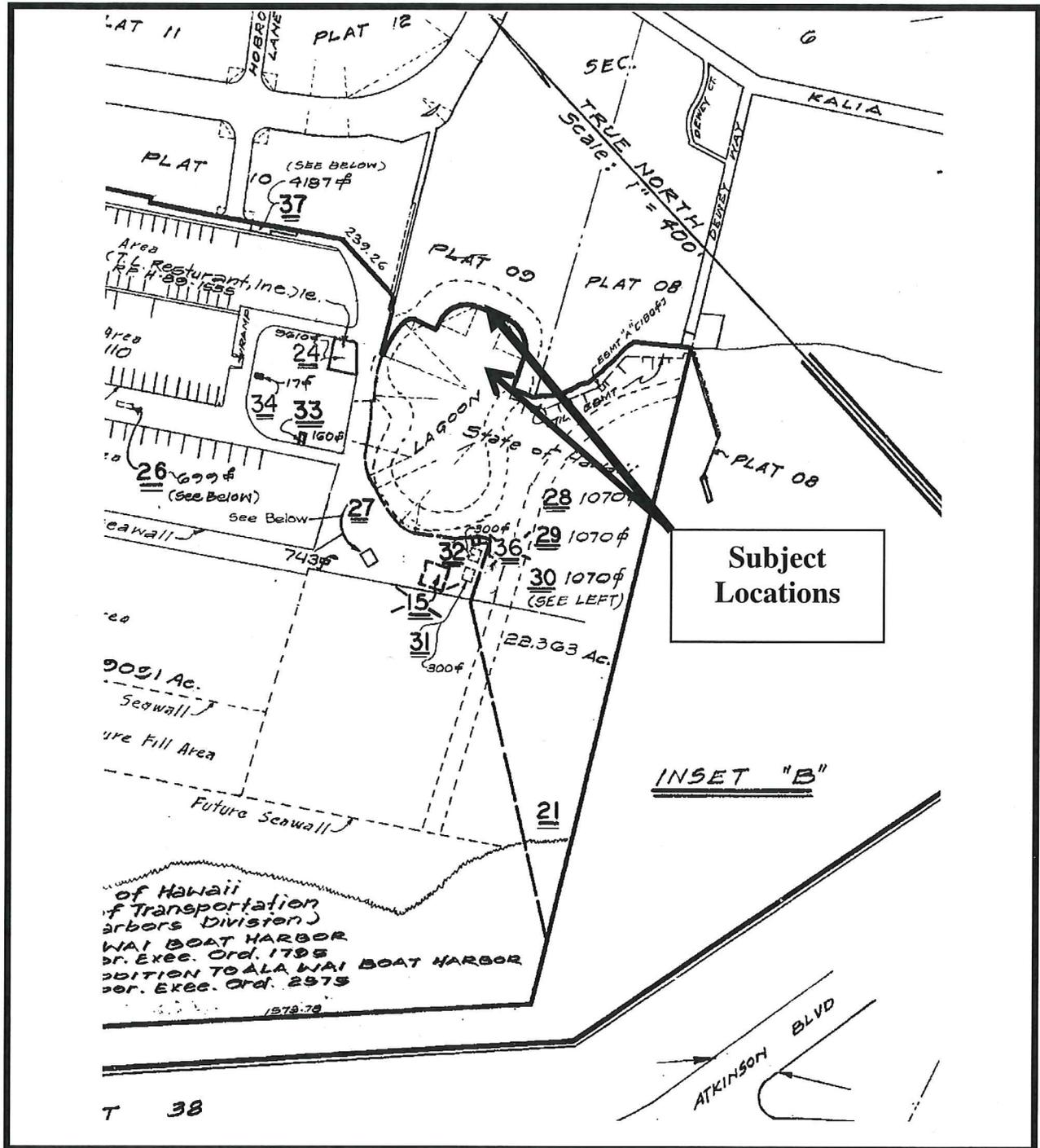


Barry Cheung
District Land Agent

APPROVED FOR SUBMITTAL:



Suzanne D. Case, Chairperson



TMK (1) 2-3-037:PORTIONS OF 021

EXHIBIT A