
SENATE CONCURRENT RESOLUTION

REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO
REPORT TO THE LEGISLATURE ON ITS PROGRESS REGARDING THE
RESOLUTION OF CONFLICTS UNDER THE PROHIBITION ON COMMERCIAL
ACTIVITY UNDER THE 1965 SURFRIDER-ROYAL HAWAIIAN SECTOR
BEACH AGREEMENT.

1 WHEREAS, there would be little or no beach east of Fort
2 DeRussy if public funds had not been spent to construct groins
3 and place sand on Waikiki Beach; and
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5 WHEREAS, the old Royal Hawaiian Groin, makai of the western
6 end of the Royal Hawaiian resort, has captured and retains the
7 existing beach makai of the Royal Hawaiian, Outrigger, and Moana
8 Surf rider resorts; and
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10 WHEREAS, the SurfRider-Royal Hawaiian Sector Beach
11 Agreement is a 1965 contract between the State and shoreline
12 property owners that limits the options for replacement of the
13 Royal Hawaiian Groin, establishes private ownership subject to
14 public easement over most of the beach created by the groin, and
15 prohibits commercial activities over most of the beach created
16 by the groin; and
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18 WHEREAS, businesses that operate from Royal Hawaiian,
19 Outrigger, and Moana Surf rider resort properties have been pre-
20 setting and storing commercial beach chairs and umbrellas, at
21 times when this equipment is not rented, on the private beach
22 subject to public easement makai of the three resorts; and
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24 WHEREAS, Act 145, Session Laws of Hawaii 2014, directed the
25 Department of Land and Natural Resources to:

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27 (1) Convene a working group on the island of Oahu to
28 identify and implement management strategies for the



1 resolution of user conflicts on the public
2 recreational lands; and

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4 (2) Select one public recreational area with a history of
5 user conflicts to be the focus of the working group;
6 and
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8 WHEREAS, the Department of Land and Natural Resources chose
9 to address the SurfRider-Royal Hawaiian Sector of Waikiki Beach,
10 specifically addressing the pre-setting of beach chairs and
11 umbrellas on the beach; and
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13 WHEREAS, the Department of Land and Natural Resources'
14 working group includes hotel managers and vendors from the three
15 hotels in the SurfRider-Royal Hawaiian Sector, the Waikiki Beach
16 Special Improvement District Association, and staff from the
17 Department of Land and Natural Resources; and
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19 WHEREAS, all parties agree that pre-setting is a commercial
20 activity and, according to the 1965 SurfRider-Royal Hawaiian
21 Sector Beach Agreement, is not permitted within the seventy-foot
22 public easement area; and
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24 WHEREAS, the parties disagree on the definition of "pre-
25 setting", which is not defined in statute, rules, or the 1965
26 SurfRider-Royal Hawaiian Sector Beach Agreement; and
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28 WHEREAS, the Department of Land and Natural Resources is
29 working with the hotels and vendors to better manage the beach
30 and ensure public access, including an agreed upon definition of
31 "pre-setting"; and
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33 WHEREAS, this body recognizes that the Department of Land
34 and Natural Resources is working to better regulate the storage
35 of beach chairs, umbrellas, surfboards, and other items on
36 Waikiki Beach; now, therefore,
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38 BE IT RESOLVED by the Senate of the Twenty-eighth
39 Legislature of the State of Hawaii, Regular Session of 2016, the
40 House of Representatives concurring, that the Department of Land
41 and Natural Resources is requested to submit a report on its
42 progress regarding the resolution of conflicts under the 1965



1 SurfRider-Royal Hawaiian Sector Beach Agreement, including any
2 proposed legislation, to the Legislature no later than twenty
3 days prior to the convening of the Regular Session of 2017 and
4 Regular Session of 2018; and

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6 BE IT FURTHER RESOLVED that a certified copy of this
7 Concurrent Resolution be transmitted to the Chairperson of the
8 Board of Land and Natural Resources.

