

---

---

# HOUSE CONCURRENT RESOLUTION

AUTHORIZING THE ISSUANCE OF A TERM, NON-EXCLUSIVE EASEMENT,  
COVERING A PORTION OF STATE SUBMERGED AND RECLAIMED  
(FILLED) LANDS AT KUAU, MAKAWAO, PAIA, MAUI, FOR  
MAINTENANCE AND REPAIRS OF THE EXISTING ROCK WALLS,  
REVTMENTS, STAIRWAY, AND LAWN OVER, UNDER, AND ACROSS  
STATE-OWNED LAND.

1           WHEREAS, the Aleiki Nominee Trust dated August 13, 2001,  
2 owns the property located at 123 Aleiki Place, Kuau, Makawao,  
3 Paia, Maui, further identified by Tax Map Key: (2) 2-6-012:  
4 seaward of 026; and  
5

6           WHEREAS, encroachments from that property, including rock  
7 walls, revetments, a stairway, and a lawn, encumber  
8 approximately one thousand fifty-nine square feet of state  
9 submerged and reclaimed (filled) lands seaward of Tax Map Key:  
10 (2) 2-6-012:026; and  
11

12           WHEREAS, the non-conforming encroachments were put into  
13 place at an undetermined time; and  
14

15           WHEREAS, on May 2, 2012, the Office of Conservation and  
16 Coastal Lands of the Department of Land and Natural Resources  
17 determined that allowing the encroachments to remain through the  
18 issuance of an easement would have no discernable effect on  
19 beach and recreational resources nor act as a detriment to  
20 public access, and recommended that any disposition require that  
21 the land uses remain unimproved and a transit corridor be  
22 maintained along the seaward extent of the rock walls and  
23 revetments; and  
24

25           WHEREAS, on November 30, 2012, under agenda item D-5, the  
26 Board of Land and Natural Resources granted an approval for a  
27 fifty-five-year term, non-exclusive easement to Steven N.



1 Hirsch, Trustee of the Aleiki Nominee Trust dated August 13,  
2 2001; and

3  
4 WHEREAS, an independent appraisal determined the fair  
5 market value of the easement at \$68,300, and the Department of  
6 Land and Natural Resources has confirmed receipt of payment for  
7 the easement; and

8  
9 WHEREAS, section 171-53, Hawaii Revised Statutes, requires  
10 the prior approval of the Governor and prior authorization of  
11 the Legislature by concurrent resolution to dispose of state  
12 submerged lands by grant of an easement; now, therefore,

13  
14 BE IT RESOLVED by the House of Representatives of the  
15 Twenty-ninth Legislature of the State of Hawaii, Regular Session  
16 of 2017, the Senate concurring, that the Board of Land and  
17 Natural Resources is authorized to issue a term, non-exclusive  
18 easement covering a portion of state submerged and reclaimed  
19 (filled) land identified as Tax Map Key: (2) 2-6-012:026 at  
20 Kuau, Makawao, Paia, Maui, comprising one thousand fifty-nine  
21 square feet, for maintenance and repairs of the existing rock  
22 walls, revetments, stairway, and lawn over, under, and across  
23 state-owned land; and

24  
25 BE IT FURTHER RESOLVED that certified copies of this  
26 Concurrent Resolution be transmitted to the Chairperson of the  
27 Board of Land and Natural Resources and to the Aleiki Nominee  
28 Trust.

