
HOUSE CONCURRENT RESOLUTION

AUTHORIZING THE ISSUANCE OF A TERM, NON-EXCLUSIVE EASEMENT
COVERING A PORTION OF STATE SUBMERGED LANDS SEAWARD OF TAX
MAP KEY: (2) 4-3-010:009 AT KAHANA, LAHAINA, MAUI, FOR
SEAWALL AND ROCK REVETMENT PURPOSES.

1 WHEREAS, the five condominium and hotel complexes along
2 Kahana Beach in West Maui stretching from the Pohailani
3 Condominiums to the Sands of Kahana have experienced serious
4 shoreline erosion problems for many years; and
5

6 WHEREAS, the long-term erosion rate of Kahana Beach is
7 approximately 0.8 feet per year, and there appears to have been
8 a net sand loss from the overall system over the decades so that
9 the sand beach has been lost with increasing frequency; and
10

11 WHEREAS, all five condominium and hotel complexes have
12 obtained permits and approvals to install permanent or emergency
13 protective measures to address the shoreline erosion; and
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15 WHEREAS, the Hololani Resort Condominiums, represented by
16 the Association of Apartment Owners of Hololani (Hololani), is
17 one of the condominium complexes located on Kahana Beach and
18 received emergency authorization from the Department of Land and
19 Natural Resources and the County of Maui in 2007 to install sand
20 bags and erosion blankets; and
21

22 WHEREAS, since that time, Hololani has completed a lengthy
23 permit and approval process at the federal, state, and county
24 levels to construct a long-term solution consisting of a steel
25 sheet pile seawall and rock revetment (proposed project) that
26 will be placed partially on state submerged lands; and
27

28 WHEREAS, this permitting process included at least nine
29 separate opportunities for the public and other government
30 agencies to comment on the proposed project at various federal,
31 state, and county agencies; and



1
2 WHEREAS, on May 9, 2014, the Board of Land and Natural
3 Resources approved a Conservation District Use Permit for
4 Hololani's proposed project, after issuing a finding of no
5 significant impact on the Hololani's environmental assessment
6 and after conducting a public hearing on February 10, 2014; and
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8 WHEREAS, Hololani substantially modified the project to
9 conform to conditions of the Conservation District Use Permit to
10 minimize the use of submerged lands; and
11

12 WHEREAS, on July 12, 2016, the County Planning Commission
13 approved a Special Management Area Permit for Hololani's
14 proposed project after conducting public hearings on April 26
15 and June 14, 2016; and
16

17 WHEREAS, on January 12, 2018, the Board of Land and Natural
18 Resources approved the issuance of a term, non-exclusive
19 easement to Hololani for the use of state submerged lands for
20 the proposed project; and
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22 WHEREAS, the easement area is approximately 6,128 square
23 feet and will be finalized and subject to review and approval by
24 the Department of Accounting and General Services' Survey
25 Division; and
26

27 WHEREAS, Hololani shall pay the State the fair market value
28 of the easement as consideration for the use of public lands and
29 as determined by independent appraisal; and
30

31 WHEREAS, Hololani has designed, permitted, and will
32 construct public infrastructure and amenities in the form of a
33 new, permanent public beach access stairway, and a new twenty-
34 four-inch storm drain outlet within the easement area; and
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36 WHEREAS, section 171-53, Hawaii Revised Statutes, requires
37 the prior approval of the Governor and prior authorization of
38 the Legislature by concurrent resolution to lease submerged
39 public lands; now, therefore,
40

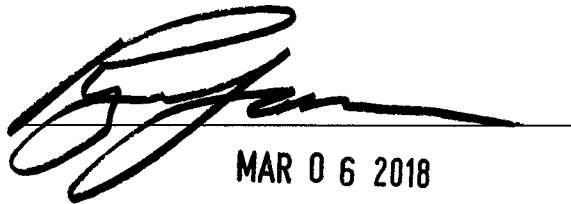
41 BE IT RESOLVED by the House of Representatives of the
42 Twenty-ninth Legislature of the State of Hawaii, Regular Session



1 of 2018, the Senate concurring, that the Board of Land and
2 Natural Resources is hereby authorized to issue a term, non-
3 exclusive easement covering a portion of state submerged lands
4 fronting the property identified as Tax Map Key: (2) 4-3-010:
5 seaward of 009, Kahana, Lahaina, Maui, for the use, maintenance,
6 repair, replacement, and removal of a steel sheet pile seawall
7 and rock revetment; and
8

9 BE IT FURTHER RESOLVED that a certified copy of this
10 Concurrent Resolution be transmitted to the Chairperson of the
11 Board of Land and Natural Resources.
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13
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OFFERED BY:



MAR 06 2018

