

MAR 0 6 2020

SENATE CONCURRENT RESOLUTION

AUTHORIZING THE ISSUANCE OF A TERM, NON-EXCLUSIVE EASEMENT COVERING A PORTION OF STATE SUBMERGED LANDS FOR A RUBBLE ROCK REVETMENT, ROCK WALL, AND TWO CONCRETE STAIRWAYS, AND FOR USE, MAINTENANCE, REPAIR, REPLACEMENT, AND REMOVAL OF THE EXISTING IMPROVEMENTS CONSTRUCTED THEREON.

1 WHEREAS, the existing rubble rock revetment, rock wall, and
2 two concrete stairways identified as Tax Map Key: (2) 3-9-005:
3 seaward of 001, Kamaole Beach lots, Kamaole, Kula, Maui, were
4 placed on state submerged lands; and
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6 WHEREAS, the Office of Conservation and Coastal Lands
7 indicated they had no objection to the retention of the rubble
8 rock revetment, rock wall, and concrete stairways, and that no
9 conservation district violations existed with regard to the
10 legally constructed and previously approved structure; and
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12 WHEREAS, after discussion between the Department of Land
13 and Natural Resources staff and Association of Apartment Owners
14 of Hale Pau Hana ("AOAO") it was agreed by both parties to
15 resolve these encroachments through the issuance of a term non-
16 exclusive easement covering the use of state submerged lands by
17 replacing two existing revocable permits; and
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19 WHEREAS, the subject encroachments were discovered during a
20 routine site inspection of two revocable permits between the
21 State and AOAO; and
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23 WHEREAS, in addition, one of the revocable permit
24 authorized landscaping on state fast land (state lands mauka of
25 the certified shoreline); and
26

27 WHEREAS, upon reviewing the existing revocable permits, the
28 Department of Land and Natural Resources staff determined that
29 the most appropriate disposition for the subject encroachments



1 and fast lands (landscaped area) would be a fifty-five-year term
2 non-exclusive easement; and
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4 WHEREAS, after discussing the possibility of a long-term
5 easement with the AOA, it was agreed that a long-term easement
6 would be the appropriate disposition for the subject
7 encroachments; and
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9 WHEREAS, the subject revetment, rock wall, two stairways,
10 and landscaped area encumber an area of 18,668 square feet, more
11 or less, and roughly fifty percent of that area is submerged
12 lands and fifty percent fast lands; and
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14 WHEREAS, the Legislature's approval is only being requested
15 for the submerged portion of the easement; and
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17 WHEREAS, on March 10, 2011, under agenda item D-4, the
18 Board of Land and Natural Resources approved the issuance of a
19 fifty-five-year term, non-exclusive easement to the AOA; and
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21 WHEREAS, the grantee has paid the fair market value of the
22 18,668 square feet non-exclusive easement area of \$291,000, as
23 determined by independent appraisal; and
24

25 WHEREAS, section 171-53, Hawaii Revised Statutes, requires
26 the prior approval of the Governor and prior authorization of
27 the Legislature by concurrent resolution to lease state
28 submerged lands; now, therefore,
29

30 BE IT RESOLVED by the Senate of the Thirtieth Legislature
31 of the State of Hawaii, Regular Session of 2020, the House of
32 Representatives concurring, that the Board of Land and Natural
33 Resources is hereby authorized to issue a term, non-exclusive
34 easement covering a portion of state submerged lands fronting
35 the property identified as Tax Map Key: (2) 3-9-005: portion of
36 and seaward of parcel 001, for the use, maintenance, repair,
37 replacement, and removal of existing rock revetment and concrete
38 stairways; and
39
40



S.C.R. NO. 141

1 BE IT FURTHER RESOLVED that a certified copy of this
2 Concurrent Resolution be transmitted to the Chairperson of the
3 Board of Land and Natural Resources.
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OFFERED BY: Reedly H. Dick
~~AC Smith-Adams~~
J. Dan English
Clemente Rishikun

Kurt Favelle
J. Dan English

