

MAR 14 2012

SENATE CONCURRENT RESOLUTION

AUTHORIZING THE ISSUANCE OF A TERM, NON-EXCLUSIVE EASEMENT
COVERING A PORTION OF STATE SUBMERGED LANDS AT HONOKAWAI,
LAHAINA, MAUI, FOR SEAWALL PURPOSES.

1 WHEREAS, the original seawall fronting the Hale Kai
2 Condominium complex was constructed in 1965, prior to the
3 development of the Hale Kai Condominium, and was built to
4 provide necessary coastal protection for the property identified
5 as tax map key: (2) 4-4-001:042; and
6

7 WHEREAS, it was later determined that a portion of the
8 seawall encumbers 1,484 square feet of state land, with
9 submerged portions; and
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11 WHEREAS, on September 10, 2010, a final environmental
12 assessment for the existing seawall was completed and the Office
13 of Conservation and Coastal Lands issued a finding of no
14 significant impact; and
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16 WHEREAS, on October 28, 2010, the Board of Land and Natural
17 Resources approved a Conservation District Use Application for
18 the Association of Unit Owners of the Hale Kai Condominium, for
19 seawall improvements located on state-owned lands, seaward of
20 tax map key: (2) 4-4-001:042; and
21

22 WHEREAS, on August 12, 2011, under agenda item D-2, the
23 Board of Land and Natural Resources granted a fifty-five year
24 term, non-exclusive easement to the Association of Unit Owners
25 of Hale Kai Condominium for seawall purposes, subject to certain
26 terms and conditions; and
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28 WHEREAS, section 171-53, Hawaii Revised Statutes, requires
29 the prior approval of the Governor and prior authorization of
30 the Legislature by concurrent resolution to lease state
31 submerged lands; now, therefore,
32



1 BE IT RESOLVED by the Senate of the Twenty-sixth
2 Legislature of the State of Hawaii, Regular Session of 2012, the
3 House of Representatives concurring, that the Board of Land and
4 Natural Resources is authorized to issue a term, non-exclusive
5 easement covering a portion of state submerged lands fronting
6 the property identified as tax map key: (2) 4-4-001:042, at
7 Honokawai, Lahaina, Maui, for the use, maintenance, repair, and
8 removal of an existing seawall over, under, and across state-
9 owned land pursuant to section 171-53, Hawaii Revised Statutes;
10 and

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12 BE IT FURTHER RESOLVED that a certified copy of this
13 Concurrent Resolution be transmitted to the Chairperson of the
14 Board of Land and Natural Resources.

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OFFERED BY: *Rosalyn H. Baker*

