SENATE CONCURRENT RESOLUTION

AUTHORIZING THE ISSUANCE OF FOUR TERM, NON-EXCLUSIVE EASEMENTS COVERING PORTIONS OF STATE SUBMERGED LANDS AT STABLE ROAD BEACH, STABLE ROAD, SPRECKELSVILLE, WAILUKU, MAUI, FOR THE USE, MAINTENANCE, AND REPAIR OF FOUR EXISTING ROCK GROINS.

WHEREAS, the Board of Land and Natural Resources approved the Office of Conservation and Coastal Lands Small Scale Beach Nourishment SSBN-MA-08-01 application under a State Programmatic General Permit in May 2009 to allow the Stable Road Beach Restoration Foundation, Inc., to install four temporary geo-tube groins and beach nourishment on the Stable Road Beach; and

WHEREAS, other key permits were received, including a Special Management Area Exemption 2008/0453 and Shoreline Setback Approval 2008/0042 from the County of Maui in February 2009, a Water Quality Certification from the Clean Water Branch of the Department of Health, and the issuance of Revocable Permit No. S-7618 by the Land Division of the Department of Land and Natural Resources; and

WHEREAS, the temporary geo-tube groins and beach nourishment immediately stopped the significant erosion of the beach and allowed the beach to naturally gain sand and become wider and deeper over the four years of placement; and

WHEREAS, the benefits of the wider, deeper beach included improved lateral beach access, improved use of recreational activities including fishing, diving, windsurfing, walking, and swimming, a beach habitat for endangered species, and protection of the surrounding properties; and

WHEREAS, around September 2014, the Stable Road Beach Restoration Foundation received its final key permit approvals to construct four rock groins to replace the four temporary geo-tube groins; and
WHEREAS, these permits included the following:

(1) An Environmental Assessment from the Office of Conservation and Coastal Lands;

(2) A published Finding of No Significant Impact from the Office of Conservation and Coastal Lands;

(3) The Conservation District Use Permit MA-3633 from the Office of Conservation and Coastal Lands;

(4) The Department of the Army Permit POH-2011-00109 from the United States Army Corps of Engineers;

(5) The Water Quality Certification Permit 0816 from the Clean Water Branch of the Department of Health;

(6) The Special Management Area Minor Permit 2013/0116 from the County of Maui;

(7) The Shoreline Setback Approval 2013/0048 from the County of Maui; and

(8) The Environmental Assessment Exemption 2013/0079 from the County of Maui; and

WHEREAS, on September 26, 2014, under agenda item D-6, the Board of Land and Natural Resources approved to grant four term, fifty-five-year non-exclusive easements to the owners of lots adjacent to the groins, namely:

(1) The Association of Apartment Owners of Ainalani Lot 6;

(2) David B. Lim and Jan D. Lim, Trustees of the D & J Family Trust dated August 30, 2006;

(3) Cortland K. Larned III, Elizabeth M. Larned, and Ian Horswill; and

(4) James C. Riley, Trustee under Declaration of Revocable Trust of James C. Riley dated November 21, 1989,
Jeanne A. Riley, Trustee under Declaration of
Revocable Trust of Jeanne A. Riley dated November 21,
1989, and Peter Klint Martin, Trustee of the Peter
Klint Martin Revocable Trust dated April 11, 1995, as
amended, for rock groins purposes;
and additionally issued an immediate construction right-of-entry
to the Stable Road Beach Restoration Foundation to construct the
groins, Spreckelsville, Wailuku, Maui, seaward of Tax Map Keys:
(2) 3-8-002:071, 074, 077, 078, and 094; and
WHEREAS, the temporary geo-tubes were entirely removed from
the Stable Road Beach and the four rock groins were installed by
November 5, 2014; and
WHEREAS, since that time the beach has immediately gained
more sand, becoming wider and deeper; and
WHEREAS, the rock groins will provide a long-term and
sustainable solution to chronic beach erosion having already
increased lateral beach access, improved beach use for
recreational activities including fishing, diving, windsurfing,
walking, and swimming, and provided a beach habitat for
endangered species and protection of the surrounding properties;
and
WHEREAS, under the approval of the Board of Land and
Natural Resources, the grantees are required to pay the State
the fair market value of the easements as consideration of the
use of public lands to be determined by an independent
appraisal; and
WHEREAS, section 171-53, Hawaii Revised Statutes, requires
the prior approval of the Governor and prior authorization of
the Legislature by concurrent resolution to lease state
submerged lands; now, therefore,
BE IT RESOLVED by the Senate of the Twenty-eighth
Legislature of the State of Hawaii, Regular Session of 2015, the
House of Representatives concurring, that the Board of Land and
Natural Resources is authorized, subject to confirmation by a
Department of Accounting and General Services survey, to issue
BE IT FURTHER RESOLVED that the Legislature reaffirms that both customary beach access and parking will continue to be permitted; and

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