

MAR 08 2018

SENATE 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
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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
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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
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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
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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



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WHEREAS, on May 9, 2014, the Board of Land and Natural Resources approved a Conservation District Use Permit for Hololani's proposed project, after issuing a finding of no significant impact on the Hololani's environmental assessment and after conducting a public hearing on February 10, 2014; and

WHEREAS, Hololani substantially modified the project to conform to conditions of the Conservation District Use Permit to minimize the use of submerged lands; and

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

WHEREAS, on January 12, 2018, the Board of Land and Natural Resources approved the issuance of a term, non-exclusive easement to Hololani for the use of state submerged lands for the proposed project; and

WHEREAS, the easement area is approximately 6,128 square feet and will be finalized and subject to review and approval by the Department of Accounting and General Services' Survey Division; and

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

WHEREAS, Hololani has designed, permitted, and will construct public infrastructure and amenities in the form of a new, permanent public beach access stairway, and a new twenty-four-inch storm drain outlet within the easement area; 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 submerged public lands; now, therefore,

BE IT RESOLVED by the Senate of the Twenty-ninth Legislature of the State of Hawaii, Regular Session of 2018, the



S.C.R. NO. 63

1 House of Representatives 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

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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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OFFERED BY:

Rossley H. Baker
~~Scott S. Lewis~~
J. Blair Cook

