
SENATE CONCURRENT RESOLUTION

AUTHORIZING THE ISSUANCE OF A TERM, NON-EXCLUSIVE EASEMENT AND
ISSUANCE OF IMMEDIATE RIGHT OF ENTRY COVERING A PORTION OF
STATE LAND AT KAA NAPALI, LAHAINA, MAUI, FOR BEACH WALK,
TRENCH DRAIN, SIGN, AND PUBLIC BEACH SHOWER PURPOSES.

1 WHEREAS, HMC Maui LP (applicant), a foreign limited
2 partnership, owns the Hyatt Regency Maui property located at 200
3 Nohea Kai Drive, Kaa napali, Hawaii, further identified by tax
4 map key: (2) 4-4-013: seaward of 006 and 008; and
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6 WHEREAS, the following encroachments were identified to be
7 located seaward of the shoreline on state land:
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- 9 (1) Portions of a decorative brick header;
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11 (2) Lights mounted on coconut trees;
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13 (3) Portions of a rope fence;
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15 (4) Portions of a beach walkway;
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17 (5) Submerged shore perpendicular pipes;
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19 (6) Infrastructure for utilities;
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21 (7) Fill material;
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23 (8) Landscaping debris;
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25 (9) Portions of a concrete slab;
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27 (10) Portions of a wood deck; and
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29 (11) Geotextile sandbags; and
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1 WHEREAS, the applicant proceeded to consult with the Office
2 of Conservation and Coastal Lands (OCCL) to determine which
3 encroachments would qualify for easements and which would
4 require removal; and

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6 WHEREAS, the OCCL determined that all encroachments must be
7 removed except those that are absolutely essential for safe,
8 lateral public access; and

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10 WHEREAS, the applicant proceeded to remove all
11 encroachments except for the beach walkway, trench drain, ocean
12 hazards sign, and public shower; and

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14 WHEREAS, the OCCL concluded that the remaining
15 encroachments met the criteria of being absolutely essential for
16 safe, lateral public access; and

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18 WHEREAS, after review and consideration of the information
19 gathered, it was determined that the issuance of an easement for
20 the beach walkway, trench drain, ocean hazards sign, and public
21 shower would have no discernible effect on beach and
22 recreational resources, and does not act as a detriment to
23 public access; therefore, the OCCL had no objections to the
24 issuance of an easement; and

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26 WHEREAS, on January 27, 2017, under agenda item D-11, the
27 Board of Land and Natural Resources approved the direct issuance
28 of a fifty-five-year term, non-exclusive easement and issuance
29 of immediate right of entry to HMC Maui LP; and

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31 WHEREAS, the easement authorizes HMC Maui LP the right,
32 privilege, and authority to use, maintain, repair, replace, and
33 remove the existing beach walk, trench drain, sign, and public
34 beach shower over, under, and across state owned land; and

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36 WHEREAS, the encroachment area is approximately 1,776
37 square feet, subject to review and approval by the Department of
38 Accounting and General Services' Survey Division; and

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40 WHEREAS, the grantee will be required to pay the State the
41 fair market value of the easement as consideration of the use of
42 public lands to be determined by an independent appraiser; and



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2 WHEREAS, section 171-53(c), Hawaii Revised Statutes,
3 require the prior approval of the Governor and prior
4 authorization of the Legislature by concurrent resolution to
5 lease state lands; now, therefore,
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7 BE IT RESOLVED by the Senate of the Twenty-ninth
8 Legislature of the State of Hawaii, Regular Session of 2018, the
9 House of Representatives concurring, that the Board of Land and
10 Natural Resources is authorized to issue a term, non-exclusive
11 easement and immediate right of entry covering a portion of
12 state lands fronting the property identified as tax map key:
13 (2) 4-4-013: seaward of 006 and 008, Lahaina, Maui, to leave in
14 place the existing beach walk, trench drain, sign, and public
15 beach shower, and for the use, maintenance, repair, replacement,
16 and removal of the existing improvements constructed thereon
17 pursuant to sections 171-13 and 171-53(c), Hawaii Revised
18 Statutes; and
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20 BE IT FURTHER RESOLVED that a certified copy of this
21 Concurrent Resolution be transmitted to the Chairperson of the
22 Board of Land and Natural Resources.

