
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 coastal protection for the property identified as Tax
5 Map Key: (2) 4-4-001:042; and
6

7 WHEREAS, at its meeting on May 23, 2008, the Board of Land
8 and Natural Resources (BLNR) imposed a fine of \$5,000 against
9 the Association of Unit Owners of the Hale Kai Condominium for
10 failure to obtain appropriate approvals for unauthorized seawall
11 improvements involving the placement of boulders and cement
12 makai of the shoreline; and
13

14 WHEREAS, on September 10, 2010, a Final Environmental
15 Assessment for the existing seawall was completed and the Office
16 of Conservation and Coastal Lands issued a Finding of No
17 Significant Impact; and
18

19 WHEREAS, on October 28, 2010, the BLNR approved a
20 Conservation District Use Application for the Association of
21 Unit Owners of the Hale Kai Condominium, for the seawall
22 improvements located on state-owned lands, seaward of Tax Map
23 Key: (2) 4-4-001:042; and
24

25 WHEREAS, at a regular meeting of the BLNR held on
26 August 12, 2011, under agenda item D-2, the BLNR granted a
27 fifty-five-year term, non-exclusive easement to the Association
28 of Unit Owners of Hale Kai Condominium for seawall purposes,
29 subject to certain terms and conditions; and
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1 WHEREAS, at subsequent meetings of the BLNR held on
 2 June 27, 2014 (agenda item D-11), November 14, 2014 (agenda item
 3 D-18), and October 14, 2016 (agenda item D-8), the BLNR approved
 4 amendments to the easement to account for additional
 5 encroachments due to the migration of the shoreline; and
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7 WHEREAS, the easement has yet to be fully executed between
 8 the parties, and the term period will run from the date of
 9 execution; and
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11 WHEREAS, the subject area is about 2,920 square feet,
 12 subject to review and approval by the Department of Accounting
 13 and General Services' Survey Division; and
 14

15 WHEREAS, the owner shall pay the State the fair market
 16 value as consideration of the use of public lands to be
 17 determine by an independent appraiser; and
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19 WHEREAS, section 171-53, Hawaii Revised Statutes, requires
 20 the prior approval of the Governor and prior authorization of
 21 the Legislature by concurrent resolution to lease state
 22 submerged lands; now, therefore,
 23

24 BE IT RESOLVED by the Senate of the Twenty-ninth
 25 Legislature of the State of Hawaii, Regular Session of 2018, the
 26 House of Representatives concurring, that the Board of Land and
 27 Natural Resources is authorized to issue a term, non-exclusive
 28 easement covering a 2,920 square foot portion of state submerged
 29 lands fronting the property identified as Tax Map Key: (2) 4-4-
 30 001:042, at Honokowai, Lahaina, Maui, for the use, maintenance,
 31 repair, and removal of an existing seawall over, under, and
 32 across state-owned land pursuant to section 171-53, Hawaii
 33 Revised Statutes; and
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35 BE IT FURTHER RESOLVED that a certified copy of this
 36 Concurrent Resolution be transmitted to the Chairperson of the
 37 Board of Land and Natural Resources.

