
HOUSE CONCURRENT RESOLUTION

AUTHORIZING THE ISSUANCE OF A NON-EXCLUSIVE EASEMENT COVERING A
PORTION OF STATE SUBMERGED LANDS AT PUAMANA, LAHAINA, MAUI,
FOR VARIOUS SEAWALL STRUCTURES, A CONCRETE GROIN, AND
REVTMENT FOOTINGS OF A HISTORIC SWIMMING POOL.

1 WHEREAS, the Puamana Community Association owns the
2 property located at 34 Puailima Place, Lahaina, Hawaii, further
3 identified by tax map key: (2) 4-6-028:001; and
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5 WHEREAS, the seawall structures, built in the 1930s, follow
6 along the shoreline and provide stability and necessary coastal
7 protection for the property; and
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9 WHEREAS, the concrete groin and revetment footings
10 represent part of a historic swimming pool that was built in the
11 1930s as part of a former plantation manager's residence; and
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13 WHEREAS, it was later determined that portions of the
14 seawall structures, the concrete groin, and revetment footings
15 of the historic swimming pool encumber a total of 1,895 square
16 feet of state submerged land; and
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18 WHEREAS, the Office of Conservation and Coastal Lands of
19 the Department of Land and Natural Resources determined that the
20 structures are existing and non-conforming, in that they were
21 constructed prior to October 1964; and
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23 WHEREAS, the Puamana Community Association obtained a fully
24 executed grant of non-exclusive easement (GL S-6050), dated
25 March 3, 2014, for a total of five shoreline encroachments
26 (identified as Easements "E-1" through "E-5" in the February
27 2012 Application for Request for State Lands) for the seawall
28 structures, the concrete groin, and the revetment footings of



1 the historic swimming pool, which, in total, have an area of
2 1,895 square feet; and

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4 WHEREAS, it was later determined by the Department of Land
5 and Natural Resources that the easements identified in the
6 March 3, 2014, easement agreement (Easements "E-1" through
7 "E-5") would need to be amended to include additional areas for
8 the seawall and pool structures, based on an updated shoreline
9 survey of the property; and

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11 WHEREAS, on January 12, 2018, the Board of Land and Natural
12 Resources approved an amendment to the easement areas of
13 GL S-6050; and

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15 WHEREAS, the easement identified in the March 3, 2014,
16 agreement as Easement "E-1", with an area of 1,115 square feet,
17 now becomes 533 square feet, representing a decrease of 582
18 square feet; and

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20 WHEREAS, the easements identified in the March 3, 2014,
21 agreement as Easements "E-2" and "E-3", with a combined area of
22 357 square feet, are now grouped together and now have a
23 combined 1,496 square feet, representing an increase of 1,139
24 square feet; and

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26 WHEREAS, the easements identified in the March 3, 2014,
27 agreement as Easements "E-4" and "E-5", with a combined area of
28 423 square feet, are now grouped together and now have a
29 combined 3,336 square feet, representing an increase of 2,913
30 square feet; and

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32 WHEREAS, the total combined GL S-0650 easement area is now
33 5,365 square feet, representing an increase of 3,470 square
34 feet; and

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36 WHEREAS, the Puamana Community Association will pay the
37 State the fair market value of the easement as consideration of
38 the use of public lands to be determined by an independent
39 appraisal; and

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41 WHEREAS, section 171-53, Hawaii Revised Statutes, requires
42 the prior approval of the Governor and prior authorization of



1 the Legislature by concurrent resolution to lease state
2 submerged lands; and

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4 WHEREAS, without the issuance of a non-exclusive easement
5 to perform the necessary repairs on the seawall, there could be
6 an adverse risk to the health and integrity of the near-shore
7 reef environment and the surfing and diving spots located
8 nearby, both of which are important to the Puamana Community
9 Association members and the public at large; now, therefore,

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11 BE IT RESOLVED by the House of Representatives of the
12 Twenty-ninth Legislature of the State of Hawaii, Regular Session
13 of 2018, the Senate concurring, that the Board of Land and
14 Natural Resources is hereby authorized to issue a new non-
15 exclusive easement for a term of fifty-five years, covering a
16 portion of state submerged lands fronting the property
17 identified as tax map key: (2)4-6-028:001 at Puamana, Lahaina,
18 Maui, for the use, maintenance, repair, and removal of the
19 existing seawall structures, concrete groin, and the revetment
20 footings of the historic swimming pool over, under, and across
21 state-owned land, pursuant to section 171-53, Hawaii Revised
22 Statutes; and

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24 BE IT FURTHER RESOLVED that certified copies of this
25 Concurrent Resolution be transmitted to the Chairperson of the
26 Board of Land and Natural Resources and the President of the
27 Puamana Community Association.

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30 OFFERED BY:  B/R

FEB 09 2018

