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# HOUSE 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  
5

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  
10

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  
14

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  
21

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  
27

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



1  
 2 WHEREAS, on May 9, 2014, the Board of Land and Natural  
 3 Resources approved a Conservation District Use Permit for  
 4 Hololani's proposed project, after issuing a finding of no  
 5 significant impact on the Hololani's environmental assessment  
 6 and after conducting a public hearing on February 10, 2014; and  
 7

8 WHEREAS, Hololani substantially modified the project to  
 9 conform to conditions of the Conservation District Use Permit to  
 10 minimize the use of submerged lands; and  
 11

12 WHEREAS, on July 12, 2016, the County Planning Commission  
 13 approved a Special Management Area Permit for Hololani's  
 14 proposed project after conducting public hearings on April 26  
 15 and June 14, 2016; and  
 16

17 WHEREAS, on January 12, 2018, the Board of Land and Natural  
 18 Resources approved the issuance of a term, non-exclusive  
 19 easement to Hololani for the use of state submerged lands for  
 20 the proposed project; and  
 21

22 WHEREAS, the easement area is approximately 6,128 square  
 23 feet and will be finalized and subject to review and approval by  
 24 the Department of Accounting and General Services' Survey  
 25 Division; and  
 26

27 WHEREAS, Hololani shall pay the State the fair market value  
 28 of the easement as consideration for the use of public lands and  
 29 as determined by independent appraisal; and  
 30

31 WHEREAS, Hololani has designed, permitted, and will  
 32 construct public infrastructure and amenities in the form of a  
 33 new, permanent public beach access stairway, and a new twenty-  
 34 four-inch storm drain outlet within the easement area; and  
 35

36 WHEREAS, section 171-53, Hawaii Revised Statutes, requires  
 37 the prior approval of the Governor and prior authorization of  
 38 the Legislature by concurrent resolution to lease submerged  
 39 public lands; now, therefore,  
 40

41 BE IT RESOLVED by the House of Representatives of the  
 42 Twenty-ninth Legislature of the State of Hawaii, Regular Session



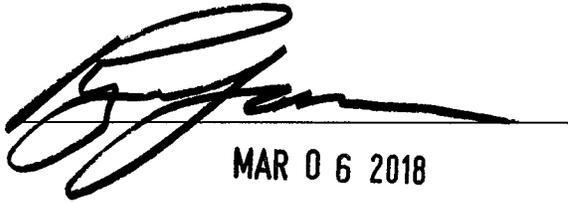
# H.C.R. NO. 64

1 of 2018, the Senate 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

8  
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.

12  
13  
14

OFFERED BY:



MAR 06 2018

