

MAR 01 2018

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# SENATE CONCURRENT RESOLUTION

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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  
4

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  
8

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  
12

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  
17

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  
22

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  
3

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  
10

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  
14

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  
19

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  
25

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  
31

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  
35

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

3  
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,

10  
11 BE IT RESOLVED by the Senate of the Twenty-ninth  
12 Legislature of the State of Hawaii, Regular Session of 2018, the  
13 House of Representatives 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

23  
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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29  
30 OFFERED BY:

*Reedy H. Baker*

