

MAR 06 2025

SENATE 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 THE
REMOVAL OF EXISTING EMERGENCY SANDBAGS AND CONSTRUCTION,
USE, REPAIR, AND MAINTENANCE OF A ROCK REVETMENT.

1 WHEREAS, the Hololani Resort Condominiums is a sixty-four-
2 unit condominium project with two eight-story buildings located
3 on Kahana Beach; and

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5 WHEREAS, after a catastrophic erosion event in which the
6 shoreline receded to within fifteen feet of the north building,
7 Hololani Resort Condominiums received emergency authorization
8 from the Department of Land and Natural Resources and the County
9 of Maui in 2007 to install a sandbag revetment and erosion
10 blankets; provided that Hololani Resort Condominiums would
11 develop a long-term solution to address shoreline erosion of its
12 property; and

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14 WHEREAS, Hololani Resort Condominiums completed a lengthy
15 permit and approval process at the federal, state, and county
16 levels and received the Department of Land and Natural
17 Resources' approval to construct a long-term solution that
18 consists of a steel sheet pile and sloped rock revetment to be
19 placed partially on state submerged lands; and

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21 WHEREAS, the permitting process for the project included at
22 least nine separate opportunities for the public and other
23 government agencies to comment on the project at various
24 federal, state, and county agencies; and

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26 WHEREAS, the Board of Land and Natural Resources accepted a
27 final environmental assessment from Hololani Resort Condominiums
28 and issued a finding of no significant impact on October 8,
29 2013, and approved a Conservation District Use Permit for the



1 project on May 9, 2014, which stipulated that Hololani Resort
2 Condominiums minimize the use of submerged lands; and

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4 WHEREAS, on July 12, 2016, the Maui Planning Commission
5 approved a Special Management Area Permit and Shoreline Setback
6 Variance for the project which was based on plans that were
7 substantially modified to conform to the condition that Hololani
8 Resort Condominiums minimize the use of submerged lands; and

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10 WHEREAS, on January 12, 2018, the Board of Land and Natural
11 Resources approved the issuance of a term, non-exclusive
12 easement to Hololani Resort Condominiums for the use of state
13 submerged lands for the project; and

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15 WHEREAS, Hololani Resort Condominiums attempted to secure
16 legislative approval for the easement during the Regular Session
17 of 2018 and, while the Senate passed a concurrent resolution
18 authorizing the issuance of a non-exclusive easement covering a
19 portion of state submerged lands, the House of Representatives
20 did not; and

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22 WHEREAS, after consultation with the Department of Land and
23 Natural Resources and approval from the County of Maui, Hololani
24 Resort Condominiums installed the fully-permitted steel sheet
25 pile component of the project behind the existing emergency
26 sandbags, entirely leeward of the certified shoreline; and

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28 WHEREAS, to settle lawsuits brought against Hololani Resort
29 Condominiums, the Board of Land and Natural Resources,
30 Department of Land and Natural Resources, and County of Maui,
31 Hololani Resort Condominiums agreed to refrain from replacing
32 the existing sandbags with a rock revetment for five years while
33 a regional solution was being designed; and

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35 WHEREAS, on May 8, 2020, the Board of Land and Natural
36 Resources approved a five-year extension of the Conservation
37 District Use Permit granted to Hololani Resort Condominiums to
38 accommodate the settlement forbearance period; and

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40 WHEREAS, the Legislature passed Act 16, Session Laws of
41 Hawaii 2020, which provided guidance to the counties regarding
42 shoreline hardening structures including seawalls and



1 revetments, but provided a carve-out for already permitted
2 projects; and
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4 WHEREAS, all that remains to complete the construction of
5 the revetment is to replace the existing sandbags with the rock
6 revetment already permitted by the Board of Land and Natural
7 Resources and Maui Planning Commission; and
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9 WHEREAS, a rock revetment will provide safer vertical and
10 lateral access, down to and across the Hololani Resort
11 Condominiums beach frontage, eliminate the sandbag debris that
12 can wash into the nearshore waters, and occupy a smaller
13 footprint on the public beach than the existing sandbags; and
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15 WHEREAS, Hololani Resort Condominiums has also provided
16 public infrastructure improvements for the County of Maui by
17 designing and permitting, as part of the rock revetment, a
18 permanent public access stairway and protection of the storm
19 drain to prevent flooding of Lower Honoapiilani Road; and
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21 WHEREAS, the easement area required for the rock revetment
22 is approximately 6,128 square feet and will be finalized and
23 subject to review and approval by the Survey Division of the
24 Department of Accounting and General Services; and
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26 WHEREAS, Hololani Resort Condominiums will pay the State
27 the fair market value of the easement as consideration for the
28 use of state submerged lands to be determined by independent
29 appraisal; and
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31 WHEREAS, section 171-53, Hawaii Revised Statutes, requires
32 the prior approval of the Governor and prior authorization of
33 the Legislature by concurrent resolution to lease state
34 submerged lands; now, therefore,
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36 BE IT RESOLVED by the Senate of the Thirty-third
37 Legislature of the State of Hawaii, Regular Session of 2025, the
38 House of Representatives concurring, that the Board of Land and
39 Natural Resources is hereby authorized to issue a twenty-five
40 year term, non-exclusive easement covering a portion of state
41 submerged lands seaward of the property identified as Tax Map
42 Key: (2) 4-3-010:009, Kahana, Lahaina, Maui, for the removal of



1 existing emergency sandbags and the construction, use,
2 maintenance, and repair of a rock revetment; and

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4 BE IT FURTHER RESOLVED that a certified copy of this
5 Concurrent Resolution be transmitted to Chairperson of the Board
6 of Land and Natural Resources.

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OFFERED BY: *M. N. M.*

By Request

