

STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
Land Division  
Honolulu, Hawaii 96813

April 11, 2025

Board of Land and Natural Resources  
State of Hawaii  
Honolulu, Hawaii

PSF No.:25MD-009

OAHU

Grant of Term, Non-Exclusive Easement, Immediate Right-of-Entry and Revocable Permit to Mary Ann Arini and Derek Regal, Trustees Under The Mary Ann Arini Trust dated September 2, 2021, for Seawall Footing, Steps, and Pavement at Lahaina, Maui, Identified as TMK: (2) 4-5-003: seaward of 027.

APPLICANTS:

Mary Ann Arini and Derek Regal, Trustees Under The Mary Ann Arini Trust, fee owner.

LEGAL REFERENCE:

Sections 171-13, 171-53, and 171-55, and section 183C-5, Hawaii Revised Statutes (HRS), as amended. Section 13-222-19, Hawaii Administrative Rules (HAR).

LOCATION:

Portions of State submerged land at Lahaina, Maui, identified by Tax Map Key: TMK: (2) 4-5-003: seaward of 027, as shown on **Exhibits A-1** and **A-2**.

AREA:

192 square feet, more or less, to be reviewed and approved by the Department of Accounting and General Services, Survey Division.

ZONING:

State Land Use District:  
Maui County Zoning:

Conservation  
R-2 [for the abutting private property]

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act  
DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: No

CURRENT USE STATUS:

Unencumbered with unauthorized encroachments.

TERM, NON-EXCLUSIVE EASEMENT:

CHARACTER OF USE:

Right, privilege and authority to use, maintain, repair, replace, and remove existing concrete rubble masonry (CRM) seawall footing, CRM Pavement, and concrete steps over, under, and across State-owned land. (**Exhibits B1 through B3**)

COMMENCEMENT DATE:

To be determined by the Chairperson

CONSIDERATION:

One-time payment to be determined by independent appraisal establishing fair market value, subject to review and approval by the Chairperson.

TERM:

Twenty-five (25) years.

The Land Division has reduced the term for which shoreline easements are granted from 55 to 25 years in response to sea level rise projections disclosed in the Hawaii Sea Level Rise Vulnerability and Adaptation Report adopted by the State Climate Change Mitigation and Adaptation Commission and pursuant to the recommendation of the Office of Conservation and Coastal Lands. Landward migration of the shoreline is currently occurring as a direct result of sea level rise. This will progressively expose immobile shoreline structures to an evolving combination of destructive effects from erosion, chronic flooding, and wave inundation. The intention of the term reduction is two-fold: (1) to reduce the potential for accidents and liabilities resulting from dysfunctional shoreline structures by more frequently reviewing and managing shoreline structures and (2) to facilitate a general process of managed retreat from the shoreline.

MONTHLY RENTAL FOR RIGHT-OF-ENTRY AND REVOCABLE PERMIT:

Monthly rental amount \$141.00 for right-of-entry and revocable permit has been calculated by staff and has been reviewed and approved by the Chairperson.  
**(Exhibit C)**

REMOVAL BOND:

Applicants shall be required to post a removal bond in an amount of \$23,293.00 as determined by Land Division in consultation with Engineering Division, subject to approval by the Chairperson.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with Hawaii Administrative Rules ("HAR") §§11-200.1-15 and -16 and the Exemption List for the Department of Land and Natural Resources, reviewed and concurred on by the Environmental Council on November 10, 2020, the subject request is exempt from the preparation of an Environmental Assessment pursuant to General Exemption Type 1, which applies to "[o]perations, repairs or maintenance of existing structures, facilities, equipment, or topographical features, involving minor expansion or minor change of use beyond that previously existing." Specifically, the subject request is exempt under Part 1, Item 39, which exempts the "[c]reation or termination of easement, covenants, or other rights in structures or land." The subject request is a de minimis action that will probably have minimal or no significant effect on the environment and should be declared exempt from the requirements of section 1-200.1-17, HAR.

DCCA VERIFICATION:

Not applicable. Applicants are Trustees of a Trust not required to register with DCCA for this purpose.

APPLICANT REQUIREMENTS: Applicants shall be required to:

1. Provide survey maps and descriptions according to State DAGS standards at Applicants' own cost;
2. Pay for an appraisal to determine one-time payment in consideration of the easement;
3. Obtain the prior concurrence of the Legislature and approval of the Governor through a Concurrent Resolution pursuant to §171-53(c), HRS.

### JUSTIFICATION FOR REVOCABLE PERMIT:

The land disposition recommended to the Board in this matter is an orderly process that uses a series of permits structured to allow for immediate use and occupancy and proceed on a direct course to a to a long-term lease, subject to conditions that benefit the State. The land disposition presented in the present submittal as one of the two options recommended to the Board is a three-stage process encompassing:

1. Issuance of a right-of-entry permit for a period of up to six months. This allows the Applicants to immediately resolve the encroachment onto the public land in question, begin repair and maintenance of the encroaching seawall footing, steps, and revetment without undue delay and without cost to the State, and begin preparations for the Applicants' obligations under future land dispositions.<sup>1</sup> The right-of-entry permit includes requirements for payment of monthly rent, provision to the Department of a removal bond or equivalent securitized funds, indemnification of the State, and provision of liability insurance by the Applicants. The purpose of the removal bond is to ensure that there are funds available to remove the encroachment from State land in the event that the Legislature or Governor does not approve the easement authorized by the Board.
2. Issuance of a revocable permit for no longer than one year. This allows Land Division time to complete the administrative processes that underlie the grant of easement including approval of the easement contract by the Department of the Attorney General, completion of the appraisal (at the Applicants' cost) to determine the lump-sum payment for value of the easement, and statewide publication of notice of the land disposition while the Applicants maintain the same obligations for rent payments, removal costs, indemnification, and provision of liability insurance.
3. Issuance of an easement. This final step cannot be executed without prior completion of the prerequisites stated above. Therefore, the interim disposition through revocable permit is necessary.

The interim revocable permit step is limited in its duration and essential in its utility. While the revocable permit is in effect, the Applicants assume the costs of maintaining the subject parcel of State land and the liability for any damages caused on or by the Applicants' use of the land during the often-lengthy process of consummating the easement.

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<sup>1</sup> The Applicants' obligations under a revocable permit and easement include obtaining a survey to confirm the size of the disposition area, obtaining a cost estimate for removing the shoreline protection structure which determines the amount of the removal bond, and procurement through Land Division of an appraisal to determine the lump-sum value of the easement.



REMARKS:

The Applicants are owners of two abutting parcels, identified as TMKs: (2) 4-5-003:026 and 027, located in the residential section of Front Street, Lahaina, Maui, which have been combined for all practical purposes into a single, residential property. Parcel 027, which is the subject of the present submittal, contained a single-family home originally constructed in 1953 and parcel 026 contained a garage and driveway and provides access between the subject property and Front Street. The Applicants acquired the property in 2021 and occupied it as their sole residence from that time until August 2023 when the Maui fire destroyed the home and related infrastructure on both parcels. A CRM seawall, constructed sometime before 1960, runs continuously along the length of the makai boundaries of both properties. The seawall is connected on both ends to similar seawall structures on the abutting shoreline properties and includes a submerged CRM footing, a CRM deck, CRM stairs, two areas of CRM pavement, and concrete stairs. The seawall and appurtenant structures remain intact after the Maui fire. **(EXHIBIT B-3)**

The Applicants contracted a licensed land surveyor to conduct a shoreline survey for purposes of shoreline certification. The shoreline survey located the shoreline at the face of the seawall and identified the seawall's footing, CRM deck, CRM pavement areas, CRM stairs, and concrete stairs as encroachments within the shoreline with a total combined area of approximately 500 square feet. **(Exhibit B-1)** Land Division Staff and the State Land Surveyor confirmed the shoreline location and the presence of encroachments at a site visit on June 20, 2024.

The Applicants contacted Land Division to resolve the encroachments for purposes of shoreline certification. Section 13-222-19, HAR, prohibits certification of the shoreline while unresolved encroachments are present. Shoreline certification is a prerequisite for the Maui County permits and authorizations required to rebuild the residence, which the Applicants intend to once again occupy as their sole residence once construction is completed. The Applicants submitted a Shoreline Encroachment Information Sheet and supporting information to the Office of Conservation and Coastal Lands (OCCL) in September 2024.

In review of the Applicants' submittal, it was discovered that the encroachments fronting parcel 026, consisting of a portion of the CRM footing, one CRM pavement area, and the CRM stairs, have already been resolved by an easement approved by the Board at its meeting on August 8, 2013, under Agenda Item D-10, to a prior owner of the property as grantee. **(Exhibit D, pages 19-33)** The easement was purchased by the original grantee for its appraised value of \$32,455.00 in late 2014. The Legislature approved the easement in the 2015 Regular Session via adoption of House Concurrent Resolution 73, SD1. **(Exhibit E)** For reasons unknown to Staff, the easement document was never finalized and recorded. However, the 302 square foot easement area is mapped and recorded as C.S.F. 25,339, dated November 13, 2013. **(Exhibit F)** Land Division Staff will complete

processing of the easement for Parcel 026 as a separate matter.

No prior land disposition has been discovered for the encroachments that lie seaward of parcel 027, which are the subject of the present submittal.

The shoreline encroachments were in place makai of parcel 027 at the time the Applicants acquired the property. At the time of the 2013 Board approval, OCCL found that the shoreline structures fronting both parcels 026 and 027 were in place at least as early as 1960, based on a review of historical documents including aerial photographs. **(Exhibit D, page 29)** In its review of the Applicants' 2024 Shoreline Encroachment Information Sheet, OCCL found that the seawall, CRM footing, concrete stairs, and CRM pavement fronting the subject parcel 027 are the continuation of the structure fronting parcel 026. OCCL further confirmed that the seawall and its appurtenant footing, CRM pavement, and concrete stairs fronting parcel 027 are nonconforming structures pursuant to section 183C-5, HRS, and stated its support for an easement disposition to resolve the subject encroachments fronting parcel 027. **(Exhibit D)**

The Office of Conservation and Coastal Lands has no objection to the proposed easement disposition and concurs with the proposed exemption under Chapter 343, HRS.

The Applicants have not had a lease, permit, easement or other disposition of State lands terminated within the last five years due to non-compliance with such terms and conditions.

**RECOMMENDATION:** That the Board:

1. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and §§11-200.1-15 and -16, HAR, this project is expected to have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment as a de minimis action.
2. Authorize the continued applicability of the subject requests in the event of a change in the ownership of the abutting parcels described as Tax Map Key: (2) 4-5-003: seaward of 027, provided that the succeeding owner has not had a lease, permit, easement or other disposition of State lands terminated within the last five (5) years due to non-compliance with such terms and conditions.
3. Authorize the issuance of a right-of-entry permit to Mary Ann Arini and Derek Regal, Trustees Under The Mary Ann Arini Trust, covering the subject area for encroachment purposes under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:

- A. The standard terms and conditions of the most current right-of-entry permit form, as may be amended from time to time;
  - B. Posting of a removal bond during the effective period of the right-of-entry permit;
  - C. Removal of the subject encroachment, if required, within the period determined by the Chairperson;
  - D. Commencement of the right-of-entry on the Board date, for a term of one year or until the issuance of the revocable permit described in recommendation 4 below, whichever is sooner; provided that the Chairperson may extend the right-of-entry for additional one-year periods for good cause shown; and
  - E. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.
4. Authorize the issuance to Mary Ann Arini and Derek Regal, Trustees Under The Mary Ann Arini Trust, of a revocable permit covering the subject area for encroachment purposes, under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:
- A. The standard terms and conditions of the most current revocable permit form, as may be amended from time to time;
  - B. Posting of a removal bond during the effective period of the revocable permit;
  - C. Removal of the subject encroachment, if required, within the period determined by the Chairperson;
  - D. Review and approval by the Department of the Attorney General; and
  - E. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.
5. Subject to the Applicant fulfilling all of the Applicant Requirements listed above, authorize the issuance to Mary Ann Arini and Derek Regal, Trustees Under The Mary Ann Arini Trust, of a 25-year term, non-exclusive easement covering the subject area for encroachment purposes under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:

- A. The standard terms and conditions of the most current term shoreline encroachment easement document form, as may be amended from time to time;
- B. The easement shall run with the land and shall inure to the benefit of the real property described as Tax Map Key: 4-5-003:027, provided however: (1) it is specifically understood and agreed that the easement shall immediately cease to run with the land upon the expiration or other termination or abandonment of the easement; and (2) if and when the easement is sold, assigned, conveyed, or otherwise transferred, the Grantee shall notify the State, as Grantor, of such transaction in writing, and shall notify the Grantee's successors or assigns of the insurance requirement in writing, separate and apart from the easement document;
- C. Posting of notice at least once statewide and once in the County of Maui in accordance with section 171-16(d), HRS;
- D. Review and approval by the Department of the Attorney General;
- E. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State; and
- F. Any shoreline hardening policy that may be adopted by the Board prior to execution of the grant of easement.

Respectfully Submitted,



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Rebecca L. Anderson  
Shoreline Specialist

APPROVED FOR SUBMITTAL:



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Dawn S. N. Chang, Chairperson



TMK (2) 4-5-003: seaward of 027



EXHIBIT A-1



TMK (2) 4-5-003: seaward of 027



EXHIBIT A-2



FRONT STREET

TOPOGRAPHIC MAP  
LOT 11 AND 8-A  
PUUNOA SUBDIVISION NO. 2  
T.M.K.: (2) 4-5-003:027 and 026  
KAINEHE, LAHAINA, MAUI, HAWAII

NOTES:

1. This map is based from a survey performed on Apr. 8, 2024.
2. Coordinates and azimuths are based from Triangulation Station "LAHAI" and its meridian was established from found boundary monuments of this lot and adjoining Lots.
3. Elevation is based from MSL SOH 50 Bench Mark.
4. Flood zone information is based from FEMA FIRM Panel 1900030361F effective 9/19/2012.

LEGEND:

WM=WATER METER  
CD=CLEAN OUT

Prepared by:

Valencia Land Surveying LLC  
P.O. Box 13006  
Lahaina, HI 96761  
808-661-3257

This work was prepared by me  
or under my direct supervision.  
VALENCIA LAND SURVEYING

ARTHUR P. VALENCIA  
Licensed Professional Land Surveyor  
State of Hawaii Certificate No. 10026  
Exp. Date: 4-30-26



Scale 1" = 8 ft

T.M.K.: (2) 4-5-003:030

T.M.K.: (2) 4-5-003:031

T.M.K.: (2) 4-5-003:032

T.M.K.: (2) 4-5-003:028

LOT 11  
Area=8,060 Sq.Ft.  
(SUBJECT TO CHANGE)

LOT 8-A  
Area=659 Sq.Ft.  
(SUBJECT TO CHANGE)

T.M.K.: (2) 4-5-003:025

OCEAN

SHORELINE FOLLOWS ALONG THE MAUKA SIDE OF THE CRM WALL, ALONG MAKAI TOP OF CRM SEA WALL AND CONCRETE DECK, ALONG CRM STEPS AND ALONG TOP MAKAI SIDE OF CONCRETE DECK OVER CRM SEA WALL ON APR. 8, 2024 AT 2:00 PM.

EXHIBIT B-1



Note: Recent seawall and revetment photo. TMK: (2) 4-5-003:027.

Pre-fire photograph TMKs (2) 4-5-003:026 and 027

**EXHIBIT B-2**





Post-fire aerial view of TMKs (2) 4-5-003:026 and 027  
showing intact seawall and shoreline structures

**JOSH GREEN, M.D.**  
GOVERNOR | KE KIA AINA  
  
**SYLVIA LUKE**  
LIEUTENANT GOVERNOR | KA HOPE KIA AINA



**STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAII**  
**DEPARTMENT OF LAND AND NATURAL RESOURCES**  
**KA 'OIHANA KUMUWAWAI 'ĀINA**

P.O. BOX 621  
HONOLULU, HAWAII 96809


**DAWN N.S. CHANG**  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE  
MANAGEMENT  
  
**RYAN K.P. KANAKA'OLE**  
FIRST DEPUTY  
  
**CIARA W.K. KAHANE**  
DEPUTY DIRECTOR - WATER  
  
AQUATIC RESOURCES  
BOATING AND OCEAN RECREATION  
BUREAU OF CONVEYANCES  
COMMISSION ON WATER RESOURCE  
MANAGEMENT  
CONSERVATION AND COASTAL LANDS  
CONSERVATION AND RESOURCES  
ENFORCEMENT  
ENGINEERING  
FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

To: Dawn N. S. Chang, Chairperson  
Through: Russell Y. Tsuji, Administrator  
From: Land Division, Appraisal Section  
Date: March 14, 2025  
Subject: Mary Ann Arini and Derek Regal Shoreline Revocable Permit

A shoreline revocable permit valuation was prepared for the property below and is summarized as follows:

Reference: PSF No. 25MD-009  
Applicant: Mary Ann Arini and Derek Regal, Trustees  
TMK: (2) 4-5-003: seaward of 027  
Area: 192 square feet, more or less  
Effective Date: Upon Board Approval  
Recommended Value: **\$141 per month**

The undersigned finds that the valuation was completed in accordance with the assignment.

  
RT Dawn N. S. Chang, Chairperson

Mar 14, 2025  
Date

TMK	(2) 4-5-003:seaward of 027		
Assessed Land Value (\$)	\$	3,552,000	
Land Area (sf)		8,060	
Unit Rate Land Value (\$/sf)	\$	440.69	
50% Off For Submerged Lands	\$	220.35	
Encroachment Area (sf)		192	
Encroachment Land Value (\$)	\$	42,307	
Annual Rent @ 4 to 8%	\$	1,692.27	0.04
Recommended Annual Value			
Monthly rent	\$	141.02	141 rounded



JOSH GREEN, M.D.  
GOVERNOR | KE KAA'ĀINA  
SYLVIA LUKE  
LIEUTENANT GOVERNOR | KA HOPE (KA'ĀINA)



KA MOKU'ĀINA 'O HAWAII'  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
KA 'ŌI'HANA KUMUWAIWAI 'ĀINA  
OFFICE OF CONSERVATION AND COASTAL LANDS  
P.O. BOX 621  
HONOLULU, HAWAII 96809

DAWN N.S. CHANG  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCES  
MANAGEMENT  
RYAN K.P. KANAKA'OLE  
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DEAN D. UYEHO  
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HISTORIC PRESERVATION  
HAWAIIAN LAND RESERVE COMMISSION  
LAND  
STATE PARKS

REF:OCCL:CM

Shoreline Encroachment MA 25-01

Sep 12, 2024

Mary Ann Arini TRUST  
[REDACTED]  
Lahaina, Hawaii 96761

SUBJECT: Request to Resolve State Land Encroachment at [REDACTED]  
Lahaina, Maui; Tax Map Key (2) 4-5-003:seaward of 027

Dear Ms. Arini,

The Department of Land and Natural Resources (DLNR), Office of Conservation and Coastal Lands (OCCL) is in receipt of your Shoreline Encroachment Information Sheet package submitted by your agent, Thorne Abbott of Coastal Planners LLC, seeking to resolve an encroachment on State land seaward of the subject property. Your package included a Shoreline Encroachment Information Sheet, a notarized affidavit from Patricia Losberg attesting the seawall was built before 1964, and an aerial photo dated October 26, 1963, of the seawall (see **Exhibit 1**). Subsequent information provided included a shoreline survey map dated April 8, 2024, and a recent seawall photo (see **Exhibit 2**).

At its meeting on August 9, 2013, Item D-10, the Board of Land and Natural Resources (Board) authorized an easement to resolve submerged land encroachments fronting the adjacent property identified as TMK: (2) 4-5-003:026 (see **Exhibit 3**). The adjacent parcel, currently owned by you, was granted authorization by the Board to the previous owner for an easement to resolve an encroaching seawall, seawall footing, and rock revetment. The encroachment is a contiguous seawall, seawall footing, and rock revetment which spans both Parcels 026 and 027. Since the encroachments fronting Parcel 026 have been resolved, you are seeking to resolve the encroachments fronting Parcel 027.

Due to the recent Lahaina wildfire, you are currently in the process of trying to rebuild your residence on the subject parcel (027). However, during the due diligence of obtaining a certified shoreline you were required to resolve the submerged land encroachments.

Staff's review of the 1963 aerial photo appear to show a seawall in the approximate location as the current seawall. The 2024 shoreline survey conducted by Valencia Land

**EXHIBIT D**

Mary Ann Arini  
Seawall, footing, stairs, and revetment encroachment

Shoreline Encroachment MA 25-01

Surveying identified an encroaching area of approximately 500 square feet. Additionally, the Board authorized an easement for the adjacent parcel to resolve a portion of the contiguous seawall, footing, and revetment encroachment. Upon review of the information provided, the OCCL would support a disposition to resolve the remainder of the contiguous seawall, footing, stairs, and revetment fronting Parcel 027.

Should you have any questions regarding this correspondence, contact Cal Miyahara of our Office at (808) 798-6147 or [calen.miyahara@hawaii.gov](mailto:calen.miyahara@hawaii.gov).

Sincerely,

*S Michael Cain*

Michael Cain, Administrator  
Office of Conservation and Coastal Lands

CC: Chairperson  
MDLO  
Maui County Planning Department

Mary Ann Arini  
Seawall, footing, stairs, and revetment encroachment

Shoreline Encroachment MA 25-01



Note: October 26, 1963, aerial photo of seawall. TMK: (2) 4-5-003:027.

**Exhibit 1**



Mary Ann Arini

Shoreline Encroachment MA 25-01

Seawall, footing, stairs, and revetment encroachment



Note: Recent seawall and revetment photo. TMK: (2) 4-5-003:027.

**Exhibit 2**

Mary Ann Arini  
Seawall, footing, stairs, and revetment encroachment

Shoreline Encroachment MA 25-01

<p>STATE OF HAWAII DEPARTMENT OF LAND AND NATURAL RESOURCES Land Division Honolulu, Hawaii 96813  August 9, 2013</p>					
<p>Board of Land and Natural Resources State of Hawaii Honolulu, Hawaii</p>	<p>PSF No.: 13MD-028  <u>Maui</u></p>				
<p>Grant of Term, Non-Exclusive Easement to Paul D. Gossman, as Trustee of the Paul D. Gossman Residence Trust Dated December 18, 2008, for Seawall Encroachment Purposes, Lahaina, Maui, Hawaii, Tax Map Key: (2) 4-5-003: Seaward of 026.</p>					
<p><u>APPLICANT:</u></p> <p>Paul D. Gossman, Paul D. Gossman, as Trustee of the Paul D. Gossman Residence Trust Dated December 18, 2008, Tenant in Severalty.</p>					
<p><u>LEGAL REFERENCE:</u></p> <p>Section 171-13, 53 (c), Hawaii Revised Statutes, as amended.</p>					
<p><u>LOCATION:</u></p> <p>Portion of Government land located seaward of parcel 026, Lahaina, Maui, identified by Tax Map Key: (2) 4-5-003, as shown on the attached map labeled Exhibit 1.</p>					
<p><u>AREA:</u></p> <p>260 square feet, more or less.</p>					
<p><u>ZONING:</u></p> <table border="0"><tr><td>State Land Use District:</td><td>Conservation</td></tr><tr><td>County of Maui CZO:</td><td>Special Management Area</td></tr></table>		State Land Use District:	Conservation	County of Maui CZO:	Special Management Area
State Land Use District:	Conservation				
County of Maui CZO:	Special Management Area				
<p><u>TRUST LAND STATUS:</u></p> <p>Section 5(b) lands of the Hawaii Admission Act</p>					
<p>APPROVED BY THE BOARD OF LAND AND NATURAL RESOURCES AT ITS MEETING HELD ON <u>August 9, 2013</u> 10. D-10</p>					

**Exhibit 3**



Mary Ann Arini  
Seawall, footing, stairs, and revetment encroachment

Shoreline Encroachment MA 25-01

BLNR - Issuance of Easement  
to Paul D. Gossman

Page 2

August 9, 2013

DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: NO

CURRENT USE STATUS:

Unencumbered with encroachments.

CHARACTER OF USE:

Right, privilege and authority to use, maintain, repair, replace and remove existing seawall over, under and across State-owned land.

COMMENCEMENT DATE:

To be determined by the Chairperson.

CONSIDERATION:

One-time payment to be determined by independent appraisal establishing fair market rent, subject to review and approval by the Chairperson.

EASEMENT TERM:

Fifty-five (55) years

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

During a recent site visit, Office of Conservation and Coastal Lands (OCCL) staff observed the subject seawall and determined it appeared to be built before 1974, prior to the enactment of the EIS law.

In accordance with Hawaii Administrative Rule Sections 11-200-8(a)(1) & (4) and the Exemption List for the Department of Land and Natural Resources approved by the Environmental Council and dated December 4, 1991, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 1, that states "Operations, repairs or maintenance of existing structures, facilities, equipment, or topographical features, involving negligible or no expansion or change of use beyond that previously existing" and Class No. 4, that states "Minor alteration in the conditions of land, water, or vegetation." See attached Exemption Notification.

Mary Ann Arini  
Seawall, footing, stairs, and revetment encroachment

Shoreline Encroachment MA 25-01

BLNR - Issuance of Easement  
to Paul D. Gossman

Page 3

August 9, 2013

DCCA VERIFICATION:

Not applicable. The Applicant is a natural person and is not required to register with DCCA.

APPLICANT REQUIREMENTS:

Applicant shall be required to:

- 1) Pay for an appraisal to determine initial one-time payment;
- 2) Provide survey maps and descriptions according to State DAGS standards and at Applicant's own cost;
- 3) Comply with all County of Maui Special Management Area rules and regulations;
- 4) Obtain concurrent resolution from the Legislature pursuant to 171-53 (c), HRS.

REMARKS:

On June 7, 2012 the Maui District Land Office received an inquiry from the County of Maui's Planning Department regarding an encroaching section of a concrete and rock slab fronting the property at TMK: (2) 4-5-003:026. A review of district files indicates that there was no easement or permit with regards to any encroachment(s). Staff did locate correspondence dated April 4, 1990 (Exhibit #3) from former Land Agent Alan Tokunaga to a previous property owner, Mr. Clifford Merriles, indicating that a complaint had been received on March 29, 1990 of illegal construction activity occurring on the seaward side of the property. The advisory letter indicated that a site inspection revealed the existence of a recently completed rock and cement structure on the shoreline fronting the parcel. Mr. Merriles was advised of this encroachment upon public lands. He was then instructed to remove the structure immediately and restore the area to its original condition. No follow up correspondence between Mr. Merriles and the State was located with regards to the status of the encroachment.

In January of 2013, Mr. Paul D. Gossman contacted the Office of Conservation and Coastal Lands (OCCL) requesting to resolve the shoreline encroachments fronting his property at the subject location. Mr. Gossman advised that he purchased the property in January of 2005 inclusive of the existing encroachments along the shoreline. According to a survey map provided to OCCL by Mr. Gossman, the CRM seawall and footing encroachment encumbered an area of 260 square feet. Research of by OCCL staff indicated that through aerial photographs dated October, 1960 from the University of Hawaii Coastal Geology Group appeared to show shoreline armoring structures fronting the subject property and adjacent properties.

OCCL has determined that an after-the-fact Conservation District Use Application to cure the matter would not be required. They further indicated that they may reconsider this

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finding should it be discovered that the seawall was built without permits, within the Conservation District after 1964. Refer to the OCCL correspondence dated January 24, 2013, related to File Number Encroachment: MA-13-12 (Exhibit #4). This letter provides an overview of OCCL's recommendation with regards to the surrounding shoreline areas, beach/shoreline access, and impacts on the natural beach process.

Pursuant to the Board's action of June 28, 2002, under agenda item D-17 which established criteria for imposing fines for encroachments, staff is recommending a fine of \$500 as the subject encroachment is over 100 square feet.

The applicant has not had a lease, permit, easement or other disposition of State lands terminated within the last five years due to non-compliance with such terms and conditions.

Governor's approval and Legislative Concurrent Resolution will need to be obtained after obtaining Board approval for this disposition.

Upon approval of today's request, the applicant is reminded of the requirement for concurrent resolution from both houses of the legislature under Sect. 171-53(c), HRS prior to the issuance of the requested easement.

EXHIBITS:

- Exhibit #1- Tax map of the subject area.
- Exhibit #2- Survey map of the encroachment.
- Exhibit #3- Advisory letter from Land Agent Alan Tokunaga.
- Exhibit #4- Letter from OCCL to Mr. Gossman regarding the shoreline encroachment.
- Exhibit #5- Photo of the subject encroachment.

AGENCY COMMENTS:

Comments have been solicited from the following agencies.

Agency	Comments
Office of Conservation & Coastal Lands	No objections via response letter dated 1/24/2013. File # OA-13-12
County of Maui – Planning Dept.	No comments
Office of Hawaiian Affairs	No response
State of Hawaii – DAR	No objections

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RECOMMENDATION: That the Board:

1. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Chapter 11-200, HAR, this project will probably have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment.
2. Impose a \$500 fine for illegal encroachment, under Section 171-6(12).
3. Authorize the subject requests to be applicable in the event of a change in the ownership of the abutting parcel described as Tax Map Key: (2) 4-5-003:026, provided the succeeding owner has not had a lease, permit, easement or other disposition of State lands terminated within the last five (5) years due to non-compliance with such terms and conditions.
4. Subject to the Applicant fulfilling all of the Applicant requirements listed above, authorize the issuance of a term, non-exclusive easement to Paul D. Gossman, as Trustee of the Paul D. Gossman Residence Trust Dated December 18, 2008, covering the subject area for seawall encroachment purposes under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:
  - A. The standard terms and conditions of the most current term shoreline encroachment easement document form, as may be amended from time to time;
  - B. The easement shall run with the land and shall inure to the benefit of the real property described as Tax Map Key: (2) 4-5-003:026, provided however: (1) it is specifically understood and agreed that the easement shall immediately cease to run with the land upon the expiration or other termination or abandonment of the easement; and (2) if and when the easement is sold, assigned, conveyed, or otherwise transferred, the Grantee shall notify the Grantor of such transaction in writing, and shall notify Grantee's successors or assigns of the insurance requirement in writing, separate and apart from the easement document;
  - C. Review and approval by the Department of the Attorney General; and
  - D. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

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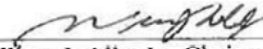
August 9, 2013

- E. Any shoreline hardening policy that may be adopted by the Board prior to execution of the grant of easement.

Respectfully Submitted,

  
Daniel Ornellas  
District Land Agent



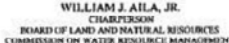

APPROVED FOR SUBMITTAL:

  
William J. Aila, Jr., Chairperson



Mary Ann Arini  
Seawall, footing, stairs, and revetment encroachment

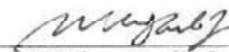
Shoreline Encroachment MA 25-01

		
	<p align="center"><b>STATE OF HAWAII</b> <b>DEPARTMENT OF LAND AND NATURAL RESOURCES</b> <b>LAND DIVISION</b> POST OFFICE BOX 621 HONOLULU, HAWAII 96809</p>	
<p align="center">August 9, 2013</p>		
<p><b>EXEMPTION NOTIFICATION</b> regarding the preparation of an environmental assessment pursuant to Chapter 343, HRS and Chapter 11-200, HAR</p>		
<b>Project Title:</b>	Issuance of a Term Non-Exclusive Easement to Paul D. Gossman, as Trustee of the Paul D. Gossman Residence Trust Dated December 18, 2008.	
<b>Project / Reference No.:</b>	PSF No. 13MD-028	
<b>Project Location:</b>	Lahaina, Maui, Hawaii	
<b>Project Description:</b>	Granting of a Term Non-Exclusive Easement for Seawall Encroachment Purposes (260 sq. ft.).	
<b>Chap. 343 Trigger(s):</b>	Use of State Lands	
<b>Exemption Class No. and Description:</b>	In accordance with the Department of Land and Natural Resources Department-wide Exemption List, approved by the Environmental Council and dated December 4, 1991, the subject project is considered to be exempt from the preparation of an environmental assessment pursuant to Exemption Class No.1, that states: Operations, repairs, or maintenance of existing structures, facilities, equipment, or topographical features, involving negligible or no expansion or change of use beyond that previously existing [HAR 11-200-8 (a)(1)], and Exemption Class No. 4, Minor alteration in the conditions of land, water, or vegetation."	
<b>Consulted Parties:</b>	Mr. Sam Lemmo of the Office of Conservation and Coastal Lands was consulted as a source authority having jurisdiction or expertise in this matter, and concurs that the exemption identified above is applicable to and appropriate for the proposed request with the condition that the encroachment does not obstruct public access.	
<b>Recommendation:</b>	It is anticipated this project will probably have minimal or no	

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Seawall, footing, stairs, and revetment encroachment

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significant effect on the environment and is presumed to be  
exempt from the preparation of an environmental assessment.



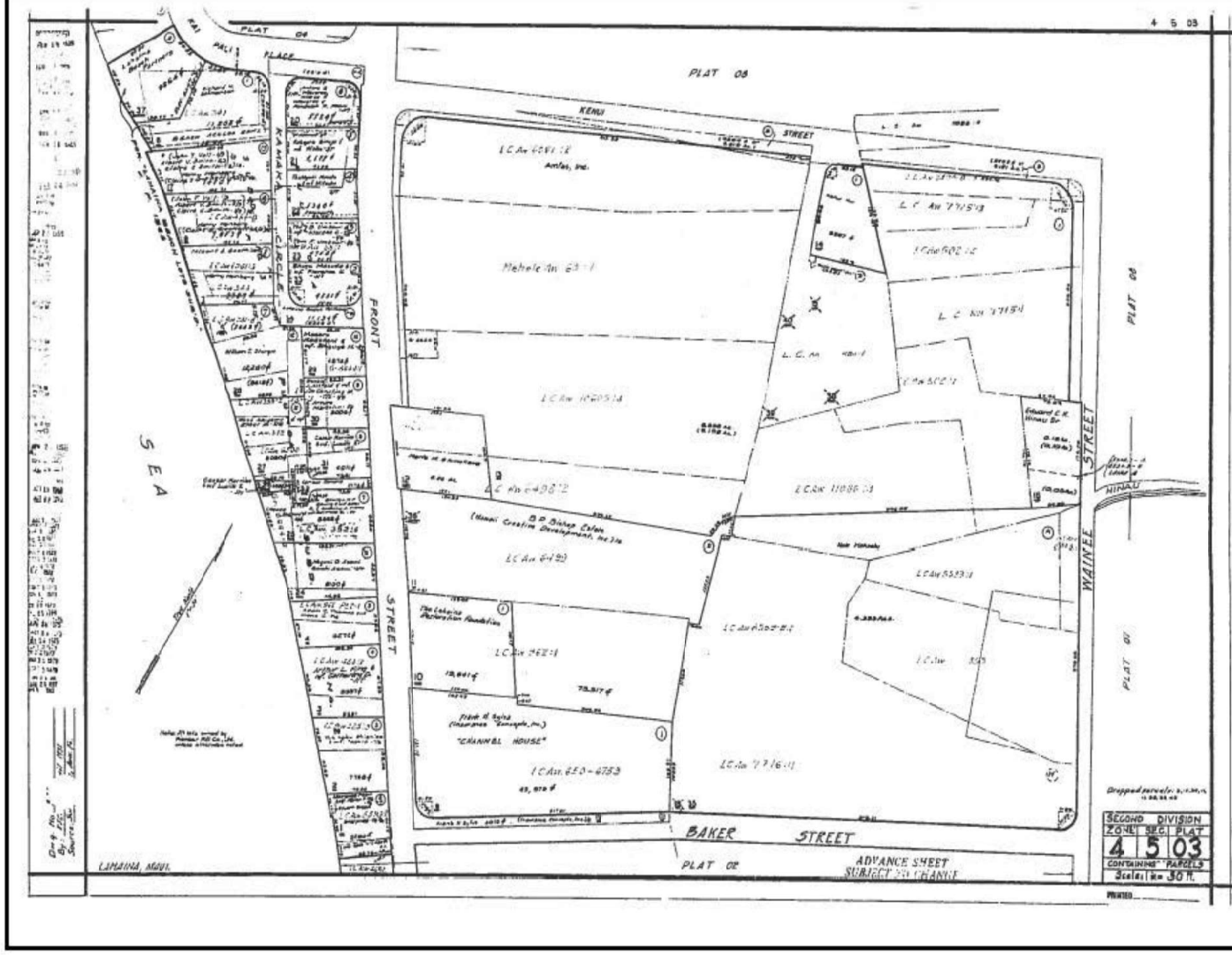
William J. Aila Jr., Chairperson



7/26/13

Date

Mary Ann Arini  
Seawall, footing, stairs, and revetment encroachment

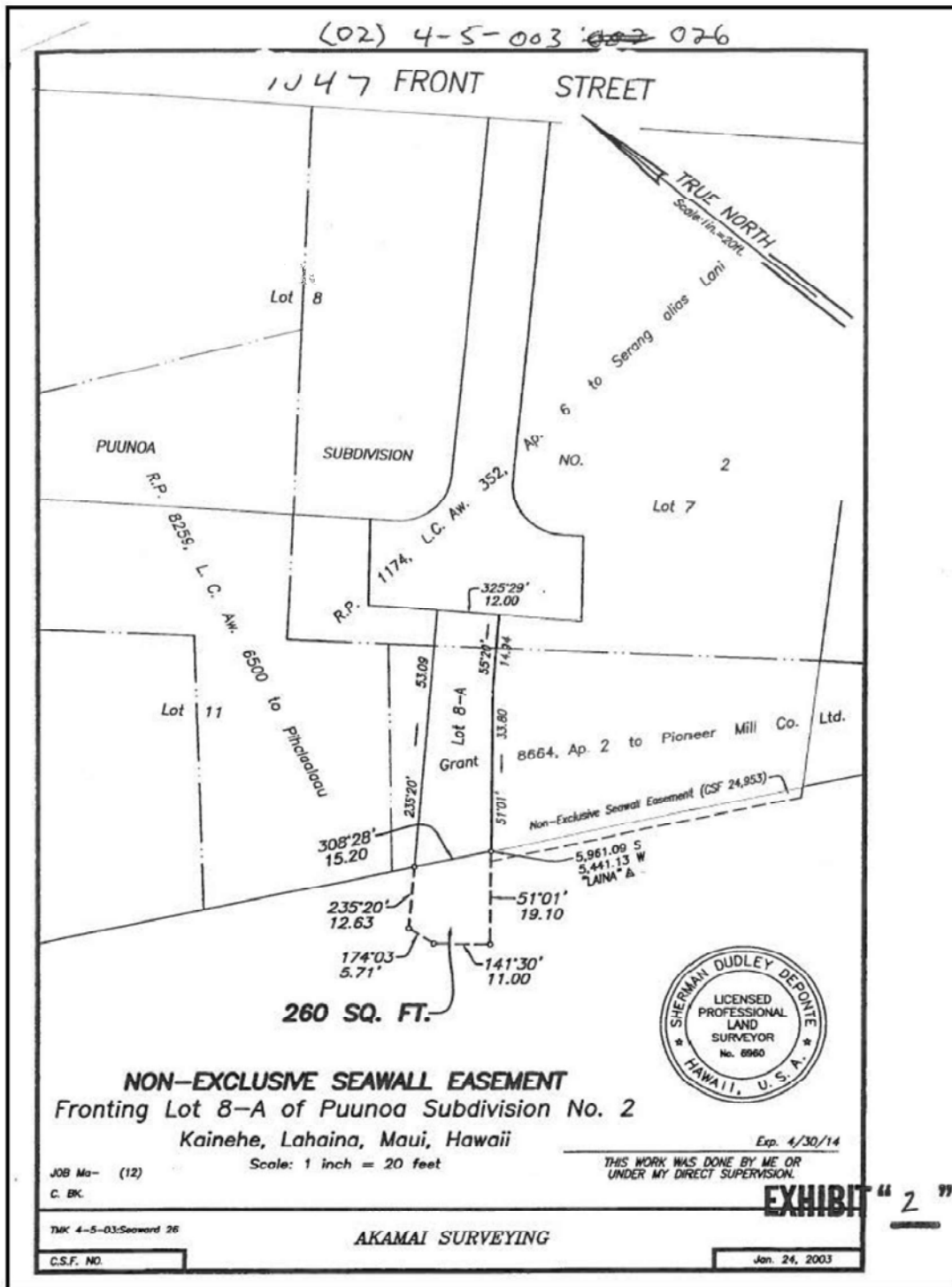


**EXHIBIT "I"**




Mary Ann Arini  
Seawall, footing, stairs, and revetment encroachment

Shoreline Encroachment MA 25-01



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<p>JOHN WAIHEE GOVERNOR OF HAWAII</p>		<p>DIVISIONS: AQUACULTURE DEVELOPMENT PROGRAM AQUATIC RESOURCES CONSERVATION AND ENVIRONMENTAL AFFAIRS CONSERVATION AND RESOURCES ENFORCEMENT CONVEYANCES FORESTRY AND WILDLIFE LAND MANAGEMENT STATE PARKS WATER AND LAND DEVELOPMENT</p>
<p>STATE OF HAWAII DEPARTMENT OF LAND AND NATURAL RESOURCES</p>		
<p>P. O. BOX 1049 WAILUKU, HAWAII 96793</p>		
<p>April 4, 1990</p>		
<p>IN REPLY REFER TO:</p>		
<p>Mr. Clifford Merriles</p>		
<p>Lahaina, HI 96761</p>		
<p>Dear Mr. Merriles:</p>		
<p>On March 29, 1990, we received an anonymous telephone call about illegal construction activity occurring seaward of the seawall fronting your Tax Map Key 4-5-03:26 at Lahaina, Maui.</p>		
<p>An inspection of the site later that day confirmed that information.</p>		
<p>This is to inform you that the rock and cement structure recently completed on the shoreline fronting your property constitutes an encroachment upon public lands.</p>		
<p>The structure must be removed immediately and the area restored to its original condition. Failure to do so will subject you to a fine of \$500.00 per day plus administrative costs for violation of Section 171-6(12), Hawaii Revised Statutes, as amended (copy enclosed).</p>		
<p>If you have any questions, please contact us at the above address or at 244-4456.</p>		
<p>Very truly yours,</p>		
<p><i>Alan Tokunaga</i> ALAN TOKUNAGA Land Agent</p>		
<p>AT:js Encl. cc: Mr. W. Mason Young Mr. John Arisumi</p>		
<p>EXHIBIT " 3 "</p>		
<p>741K</p>		

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171-6

CONSERVATION AND RESOURCES

- (4) Adopt rules which, upon compliance with chapter 91, shall have the force and effect of law;
- (5) Set, charge, demand, and collect reasonable fees for the preparation of documents to be issued, for the surveying of public lands, and for the issuing of certified copies of its public documents and records, which fees, when collected, shall be deposited into the state general fund, unless otherwise specified in this chapter;
- (6) Establish additional restrictions, requirements, or conditions, not inconsistent with those prescribed in this chapter, relating to the use of particular land being disposed of, the terms of sale, lease, license, or permit, and the qualifications of any person to draw, bid, or negotiate for public land;
- (7) Reduce or waive the lease rental at the beginning of the lease on any lease of public land to be used for any agricultural or pastoral use, or for resort, commercial, industrial, or other business use where the land being leased requires substantial improvements to be placed thereon; provided that such reduction or waiver shall not exceed two years for land to be used for any agricultural or pastoral use; or exceed one year for land to be used for resort, commercial, industrial, or other business use;
- (8) Delegate to the chairman or employees of the department of land and natural resources, subject to the board's control and responsibility, such powers and duties as may be lawful or proper for the performance of the functions vested in the board;
- (9) Utilize arbitration under chapter 658 to settle any controversy arising out of any existing or future lease;
- (10) Set, charge, and collect reasonable fees in an amount sufficient to defray the cost of performing or otherwise providing for the inspection of activities permitted upon the issuance of a land license involving a commercial purpose;
- (11) Appoint masters or hearing officers to conduct public hearings as provided by law and under such conditions as the board by rules shall establish;
- (12) Bring such actions as may be necessary to remove or remedy encroachments upon public lands. Any person causing an encroachment upon public land shall be subject to a fine of not more than \$500 a day for the first offense and shall be liable for administrative costs incurred by the department and for payment of damages. Upon the second offense and thereafter, the violator shall be fined not less than \$500 nor more than \$2,000 per day, shall, if required by the board, restore the land to its original condition if altered and assume the costs thereof, and shall assume such costs as may result from adverse effects from such restoration;
- (13) Set, charge, and collect interest on delinquent leases, sales, or other accounts. The rate of interest shall not exceed one per cent a month; provided that the contract shall state the interest rate and be signed by the party to be charged; and
- (14) Set, charge, and collect reasonable fines for violation of this chapter or any rule adopted thereunder. Any person violating any of the provisions of this chapter or any rule adopted thereunder, for which violation a penalty is not otherwise provided, shall be fined not more than \$500 a day and shall be liable for administrative costs incurred

Mary Ann Arini  
Seawall, footing, stairs, and revetment encroachment

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 FRED A. BERTCHOMSKI GOVERNOR OF HAWAII	 <b>STATE OF HAWAII</b> DEPARTMENT OF LAND AND NATURAL RESOURCES OFFICE OF CONSERVATION AND COASTAL LANDS POST OFFICE BOX 621 HONOLULU, HAWAII 96809	<b>WILLIAM J. AILA, JR.</b> CHAIRPERSON BOARD OF LAND AND NATURAL RESOURCES COMMISSION ON WATER RESOURCE MANAGEMENT  <b>ESTHER KUA'AIMA</b> FIRST DEPUTY  <b>WILLIAM M. TANI</b> DEPUTY DIRECTOR - WATER  <b>AQUATIC RESOURCES</b> BOTANICAL AND GEOPHYSICAL BUREAU OF CONSERVATION COMMISSION ON WATER RESOURCE MANAGEMENT CONSERVATION AND COASTAL LANDS CONSERVATION AND RESOURCES SUPERVISOR ENGINEERING  <b>FORESTRY AND WILDLIFE</b> EDITORIAL PUBLICATION KAWAIALEI ISLAND RESERVE COMMISSION LAND STATE PARK
REF:DLNR:BR	File Number Encroachment: <b>MA 13-12</b> <b>JAN 24 2013</b>	
Paul D. Gossman Pacifica, CA 94044 Dear Mr. Gossman,		
SUBJECT: Request to Resolve State Land Encroachment at [REDACTED] Lahaina, Maui; Tax Map Key (2) 4-5-003:026; Owner: Paul D. Gossman		
<p>This is in response to your January 2013 request to resolve the shoreline encroachments at Tax Map Key (2) 4-5-003:026. According to information and maps contained with your request, you have identified approximately 260 square feet of encroachment (CRM seawall and footing) makai of the subject property onto State land.</p> <p>A copy of an aerial photograph dated October, 1960 from the University of Hawaii Coastal Geology Group appears to show shoreline armoring structures fronting the subject property and adjacent properties. As a consequence, the Department of Land and Natural Resources (DLNR), Office of Conservation and Coastal Lands (OCCL) will not be asking for an after-the-fact Conservation District Use Application to cure this matter. OCCL may reconsider this finding should we find that the seawall was built without permits, within the Conservation District after 1964.</p> <p>The Board of Land and Natural Resource (BLNR) established a policy to allow the disposition of shoreline encroachments by either removal or issuance of an easement. In carrying-out this policy, OCCL established criteria to guide decision-making over specific cases. The criteria are as follows:</p> <ol style="list-style-type: none"><li>1. Protect/preserve/enhance public shoreline access;</li><li>2. Protect/preserve/enhance public beach areas;</li><li>3. Protect adjacent properties;</li><li>4. Protect property and important facilities/structures from erosion damages; and</li><li>5. Apply "no tolerance" policy for recent or new unauthorized shoreline structures</li></ol>		
<b>EXHIBIT "4"</b>		

Mary Ann Arini  
Seawall, footing, stairs, and revetment encroachment

Shoreline Encroachment MA 25-01

TMK (1) 6-8-010:026

Paul D. Gossman

In addition, OCCL developed a "Shoreline Encroachment Information Sheet" that is intended to provide the State with additional information to guide OCCL's decisions on the disposition of shoreline encroachments.

Surrounding Land Uses:

*The surrounding land uses are primarily residential. The adjacent properties are fronted by similar seawalls. Front Street runs along the mauka side of the property.*

Beach Resources:

*There are no beach resources fronting the seawall at the subject property and adjacent properties due to a trend of long-term beach erosion (shoreline recession).*

Public Access:

*This section of coast has public limited access along the footing of the seawall fronting this property and adjacent properties with waves breaking against the base of the shoreline structures. Shoreline access is available a few hundred feet to the northwest from Baby / Puunoa Beach.*

Effect of Removing the Encroachment on:

*Beach Resources: There are no beach resources fronting the subject encroachment and adjacent seawalls. Therefore, removal of the encroachment would not result in an improvement to beach resources fronting the property.*

*Public Access: OCCL staff has determined that no improvement would be gained by removing encroaching portion of the seawall because the adjacent properties are fronted by similar seawalls.*

*Affect on Adjacent Properties: Removal of the encroaching portion of the seawall may destabilize seawalls and lawns at the adjacent properties.*

*It has been a general policy and practice of OCCL to support disposition requests that have no discernable effect on beach and recreational resources, and do not act as a detriment to public access. In cases where the encroachment serves as primary erosion control for potentially threatened structures, impacts to the adjacent and upland developments must also be considered.*

*Upon review and careful consideration of the information gathered on this case, OCCL has determined that the requirements stated in HRS § 205A, HRS § 183C, and in OCCL's evaluation criteria would support a disposition request being processed for the subject shoreline encroachment. OCCL suggests that any disposition require the land uses remain unimproved.*

Mary Ann Arini  
Seawall, footing, stairs, and revetment encroachment


Shoreline Encroachment MA 25-01

TMK (1) 6-8-010:026

Paul D. Gossman

Please feel free to contact Sea Grant Extension Agent Brad Romine at OCCL at (808) 587-0049 or Bradley.M.Romine@hawaii.gov should you have any questions pertaining to this letter. Please contact DLNR Land Division at (808) 984-8103 should you wish to pursue an easement for the subject shoreline encroachment.

Sincerely,



Samuel J. Lemmo, ADMINISTRATOR  
Office of Conservation and Coastal Lands

cc: Land Division, Daniel Ornellas

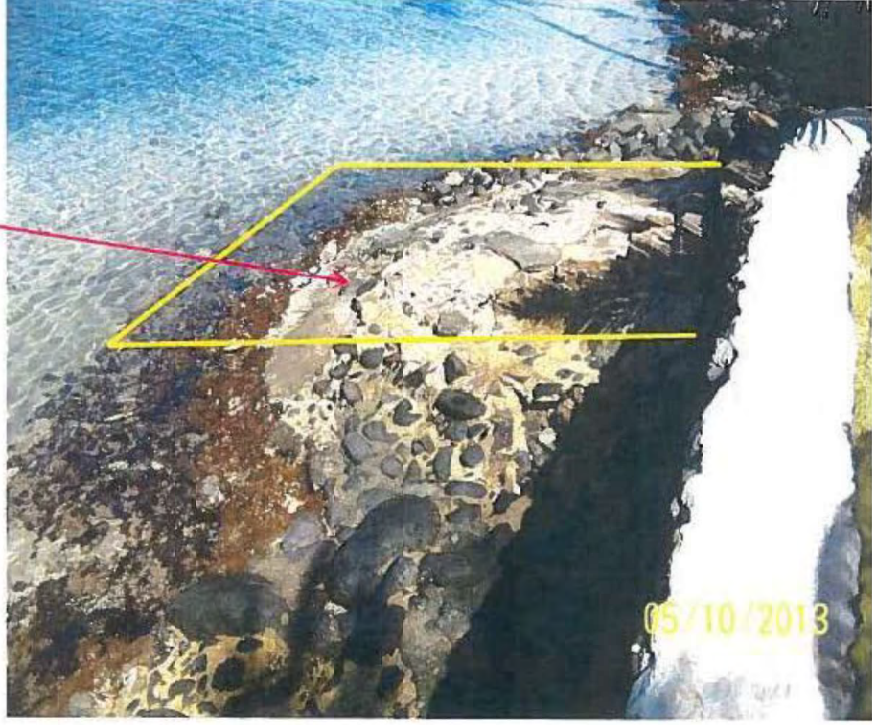


Mary Ann Arini

Seawall, footing, stairs, and revetment encroachment

Shoreline Encroachment MA 25-01

Photo of encroachment fronting  
TMK: (2) 4-5-003:026.



Paul D. Gossman, TMK: (2) 4-5-003:026

EXHIBIT "5"

3/13/25, 10:28 AM

Hawaii State Legislature



## 2015 Archives

You are viewing archived information from 2015.

### HCR73 SD1


Measure Title:	AUTHORIZING THE ISSUANCE OF A TERM, NON-EXCLUSIVE EASEMENT COVERING A PORTION OF STATE SUBMERGED LANDS AT LAHAINA, MAUI FOR SEAWALL ENCROACHMENT PURPOSES AND AUTHORIZING THE ISSUANCE OF A TERM, NON-EXCLUSIVE EASEMENT FOR THE RIGHT, PRIVILEGE, AND AUTHORITY TO USE, MAINTAIN, REPAIR, AND REPLACE AN EXISTING SEAWALL OVER, UNDER, AND ACROSS STATE-OWNED LAND IN LAHAINA, MAUI.		
Report Title:	State Submerged Lands; Non-exclusive Easement; Board of Land and Natural Resources; Paul D. Gossman Residence Trust; Association of Apartment Owners of Lahaina Roads		
Description:			
Companion:			
Package:	None		
Current Referral:	WTL, WAM		
Introducer(s):	MCKELVEY		
<u>Sort by</u> <u>Date</u>	<u>Status</u>	<u>Text</u>	
5/1/2015	S	Received notice of Adoption in House (Hse. Com. No. 650).	
4/30/2015	H	Resolution adopted in final form.	
4/30/2015	H	Adopted as amended in SD 1 with none voting aye with reservations; none voting no (0) and Matsumoto, McDermott, Say, Thielen, Yamane excused (5).	
4/30/2015	H	House agrees to Senate amendment(s).	
4/27/2015	H	Returned from Senate (Sen. Com. No. 675) in amended form (SD 1).	
4/27/2015	S	Report and Resolution Adopted. Transmitted to House.	
4/27/2015	S	Reported from WAM (Stand. Com. Rep. No. 1696) with recommendation of adoption.	
4/23/2015	S	The committee(s) on WAM recommend(s) that the measure be PASSED, UNAMENDED. The votes in WAM were as follows: 8 Aye(s): Senator(s) Tokuda, Chun Oakland, English, Harimoto, Inouye, Riviere, Ruderman, Slom; Aye(s) with reservations: none ; 0 No(es): none; and 3 Excused: Senator(s) Kouchi, Dela Cruz, Galuteria.	
4/22/2015	S	The committee(s) on WAM will hold a public decision making on 04-23-15 9:10AM in conference room 211.	
4/21/2015	S	Report adopted, as amended (SD 1) and referred to WAM.	
4/21/2015	S	Reported from WTL (Stand. Com. Rep. No. 1619), as amended (SD 1), with recommendation of referral to WAM.	
4/20/2015	S	The committee(s) on WTL recommend(s) that the measure be PASSED, WITH AMENDMENTS. The votes in WTL were as follows: 6 Aye(s): Senator(s) L. Thielen, Ihara, Riviere, Ruderman, Shimabukuro, Slom; Aye(s) with reservations: none ; 0 No(es): none; and 1 Excused: Senator(s) Galuteria.	
4/16/2015	S	The committee(s) on WTL has scheduled a public hearing on 04-20-15 2:55PM in conference room 224.	
4/10/2015	S	Referred to WTL, WAM.	
4/9/2015	S	Received from House (Hse. Com. No. 383).	
4/9/2015	H	Transmitted to Senate.	
4/9/2015	H	Adopted with none voting aye with reservations; none voting no (0) and Representative(s) Tokioka excused (1).	
4/9/2015	H	Reported from FIN (Stand. Com. Rep. No. 1481), recommending adoption.	

**EXHIBIT E**



3/13/25, 10:28 AM

Hawaii State Legislature

4/7/2015	H	The committees on FIN recommend that the measure be PASSED, UNAMENDED. The votes were as follows: Ayes: Representative(s) Luke, Nishimoto, Cachola, Cullen, DeCoite, Johanson, Jordan, Keohokalole, Kobayashi, Lowen, Onishi, Tokioka, Yamashita, Pouha, Ward; Ayes with reservations: none; Noes: none; and Excused: none.	
4/2/2015	H	Scheduled for decision making on Tuesday, 04-07-15 2:15PM in conference room 308.	
3/31/2015	H	Report adopted; referred to the committee(s) on FIN with none voting aye with reservations; none voting no (0) and Oshiro, Tokioka excused (2).	
3/31/2015	H	Reported from WAL/OMH (Stand. Com. Rep. No. 1348), recommending referral to FIN.	
3/27/2015	H	The committees on OMH recommend that the measure be PASSED, UNAMENDED. The votes were as follows: 8 Ayes: Representative(s) Lowen, Cullen, Evans, C. Lee, Nishimoto, Say, Yamane, Thielen; Ayes with reservations: none; 0 Noes: none; and 2 Excused: Representative(s) Ing, Pouha.	
3/27/2015	H	The committees on WAL recommend that the measure be PASSED, UNAMENDED. The votes were as follows: 8 Ayes: Representative(s) Yamane, Cullen, Evans, C. Lee, Lowen, Nishimoto, Say, Thielen; Ayes with reservations: none; 0 Noes: none; and 2 Excused: Representative(s) Ing, Pouha.	
3/24/2015	H	Resolution scheduled to be heard by WAL/OMH on Friday, 03-27-15 10:30AM in conference room 325.	
3/16/2015	H	Referred to WAL/OMH, FIN, referral sheet 33	
3/10/2015	H	Offered	
3/6/2015	H	To be offered.	

**S** = Senate | **H** = House | **D** = Data Systems | **\$** = Appropriation measure | **ConAm** = Constitutional Amendment

Some of the above items require Adobe Acrobat Reader. Please visit [Adobe's download page](#) for detailed instructions.

## HCR73 SD1

# C.S.F. 25,339

NON-EXCLUSIVE SEAWALL EASEMENT

Fronting Lot 8-A of Puunoa Subdivision No. 2

Kaunehe, Lahaina, Maui, Hawaii

DLNR  
167-2-75  
11/13/2013

See CSF 24953, 25574



STATE OF HAWAII  
SURVEY DIVISION  
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES  
HONOLULU

C.S.F. No. 25,339

November 12, 2013

NON-EXCLUSIVE SEAWALL EASEMENT  
Fronting Lot 8-A of Puunoa Subdivision No. 2

Kainehe, Lahaina, Maui, Hawaii

Being a portion of the submerged land fronting Grant 8664, Apana 2 to  
Pioneer Mill Co. Ltd.

Beginning at the northeast corner of this easement and on the southwest  
boundary of Grant 8664, Apana 2 to Pioneer Mill Co. Ltd., the coordinates of said point of  
beginning referred to Government Survey Triangulation Station "LAINA" being 5960.35 feet  
South and 5440.21 feet West, thence running by azimuths measured clockwise from True  
South:-

- |             |   |
|-------------|---|
| 1. 51° 01'  | 20.28 feet;   |
| 2. 141° 30' | 11.00 feet;   |
| 3. 174° 03' | 5.71 feet;  |
| 4. 235° 20' | 20.27 feet;   |
| 5. 303° 48' | 1.94 feet along Grant 8664, Apana 2 to Pioneer Mill Co. Ltd.; |
| 6. 17° 29'  | 7.00 feet along Grant 8664, Apana 2 to Pioneer Mill Co. Ltd.; |

C.S.F. No. 25,339

November 12, 2013

7. 306° 58'

8.80 feet along Grant 8664, Apana 2 to Pioneer Mill Co.  
Ltd. to the point of beginning and containing an  
AREA OF 302 SQUARE FEET.

SURVEY DIVISION  
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES  
STATE OF HAWAII

By: Gerald Z. Yonashiro  
Gerald Z. Yonashiro  
Land Surveyor ry

Compiled from map and desc. furn. by  
Akamai Land Surveying, Inc. Said map  
and desc. have been examined and checked  
as to form and mathematical correctness but  
not on the ground by the Survey Division.



