
HOUSE CONCURRENT RESOLUTION

AUTHORIZING THE AMENDMENT OF A TERM, NON-EXCLUSIVE EASEMENT
COVERING A PORTION OF STATE SUBMERGED LANDS AT
SPRECKELSVILLE, WAILUKU, MAUI, FOR THE EXISTING SEAWALL AND
BOULDER REVETMENT AND FOR USE, REPAIR, AND MAINTENANCE OF
THE EXISTING IMPROVEMENTS CONSTRUCTED THEREON.

1 WHEREAS, the property is located on a portion of government
2 land located seaward of Spreckelsville, Wailuku, Maui and
3 identified as Tax Map Key: (2) 3-8-002:seaward of 001; and
4

5 WHEREAS, a shoreline encroachment exists on the property
6 and the encroachment consists of a boulder revetment, concrete
7 rubble masonry (CRM) wall, and CRM steps; and
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9 WHEREAS, portions of the CRM wall, CRM steps, and the
10 entire boulder revetment are identified seaward of the record
11 property boundary for the property; and
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13 WHEREAS, according to an engineering analysis conducted to
14 evaluate the necessity of the boulder revetment to support the
15 CRM wall fronting the property, the revetment does not appear to
16 be an engineered revetment because smooth, possibly natural,
17 basalt boulders were used rather than rough, angular quarry
18 stone, and the smooth boulders were placed randomly rather than
19 keyed and fitted; and
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21 WHEREAS, randomly placed smooth boulder stones are less
22 stable and more likely to be displaced by waves than a properly
23 constructed and maintained revetment; and
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25 WHEREAS, according to the engineering analysis, the boulder
26 revetment partially absorbs wave energy before the wave energy
27 impacts the face of the CRM wall, and removal of the revetment
28 may put the CRM wall at a greater risk of failure due to
29 increased wave impact forces; and
30



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1 WHEREAS, the boulder revetment influences the coastal
2 dynamics of Sugar Cove and may partially stabilize Sugar Cove
3 Beach by reducing wave reflection off the CRM wall, thereby
4 absorbing incoming wave energy and impacting current
5 circulation; and
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7 WHEREAS, the Office of Conservation and Coastal Lands
8 (OCCL) of the Department of Land and Natural Resources
9 determined that removing the encroachment would effectively be
10 impossible and unnecessary because the encroachment has been in
11 place for over ninety years and has not impeded any public
12 access throughout this time period; and
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14 WHEREAS, the OCCL also determined that removing the
15 encroachment would not improve beach access nor beach processes
16 because the existing encroachment does not affect present
17 conditions, but in fact, improves these conditions in that it
18 provides for safe public access and protection from storms, high
19 waters, and surf; and
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21 WHEREAS, as a result, the OCCL's evaluation criteria
22 supported a disposition of shoreline encroachment by the
23 issuance of an easement; and
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25 WHEREAS, on September 22, 2017, under agenda item D-7, the
26 Board of Land and Natural Resources approved the issuance of a
27 fifty-five year term, non-exclusive easement to Seaview 2004,
28 Inc., for the resolution of encroaching seawall purposes for an
29 original area of 1,128 square feet, more or less, subject to
30 review and approval by the Department of Accounting and General
31 Services' Survey Division, and imposed a fine of \$500 against
32 the grantee for the illegal encroachment; and
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34 WHEREAS, S.C.R. No. 80, S.D. 1, Regular Session of 2018,
35 authorized the leasing of submerged lands, which was followed by
36 the Governor's approval in accordance with section 171-53,
37 Hawaii Revised Statutes; and
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39 WHEREAS, subsequent to the approval on September 22, 2017,
40 the Department of Accounting and General Services' Survey
41 Division finalized the easement map that showed an area of 2,206



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1 square feet for the encroachment, which is an increase of 1,078
2 square feet; and

3
4 WHEREAS, on December 14, 2018, under agenda item D-12, the
5 Board of Land and Natural Resources amended the Board's
6 September 22, 2017, action to increase the area of the easement
7 from 1,128 square feet, more or less, to 2,206 square feet, more
8 or less; and

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10 WHEREAS, the grantee will be required to pay the State the
11 fair market value of the easement as consideration of the use of
12 public lands to be determined by an independent appraiser; and

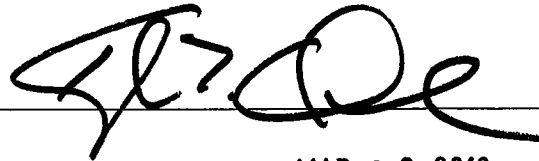
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14 WHEREAS, section 171-53, Hawaii Revised Statutes, requires
15 the prior approval of the Governor and prior authorization of
16 the Legislature by concurrent resolution to lease state
17 submerged lands; now, therefore,

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19 BE IT RESOLVED by the House of Representatives of the
20 Thirtieth Legislature of the State of Hawaii, Regular Session of
21 2019, the Senate concurring, that the Board of Land and Natural
22 Resources is hereby authorized to amend a term, non-exclusive
23 easement covering a portion of state submerged lands located
24 seaward of Spreckelsville, Wailuku, Maui and identified as Tax
25 Map Key: (2) 3-8-002:seaward of 001 for the existing seawall
26 and boulder revetment and for use, repair, and maintenance of
27 the existing improvements constructed thereon pursuant to
28 section 171-53, Hawaii Revised Statutes; and

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30 BE IT FURTHER RESOLVED that a certified copy of this
31 Concurrent Resolution be transmitted to the Chairperson of the
32 Board of Land and Natural Resources.

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OFFERED BY:



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