

MAR 08 2019

SENATE 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
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31 WHEREAS, the boulder revetment influences the coastal
32 dynamics of Sugar Cove and may partially stabilize Sugar Cove
33 Beach by reducing wave reflection off the CRM wall, thereby



1 absorbing incoming wave energy and impacting current
2 circulation; and

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4 WHEREAS, the Office of Conservation and Coastal Lands
5 (OCCL) of the Department of Land and Natural Resources
6 determined that removing the encroachment would effectively be
7 impossible and unnecessary because the encroachment has been in
8 place for over ninety years and has not impeded any public
9 access throughout this time period; and

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11 WHEREAS, the OCCL also determined that removing the
12 encroachment would not improve beach access nor beach processes
13 because the existing encroachment does not affect present
14 conditions, but in fact, improves these conditions in that it
15 provides for safe public access and protection from storms, high
16 waters, and surf; and

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18 WHEREAS, as a result, the OCCL's evaluation criteria
19 supported a disposition of shoreline encroachment by the
20 issuance of an easement; and

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22 WHEREAS, on September 22, 2017, under agenda item D-7, the
23 Board of Land and Natural Resources approved the issuance of a
24 fifty-five year term, non-exclusive easement to Seaview 2004,
25 Inc., for the resolution of encroaching seawall purposes for an
26 original area of 1,128 square feet, more or less, subject to
27 review and approval by the Department of Accounting and General
28 Services' Survey Division, and imposed a fine of \$500 against
29 the grantee for the illegal encroachment; and

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31 WHEREAS, S.C.R. No. 80, S.D. 1, Regular Session of 2018,
32 authorized the leasing of submerged lands, which was followed by
33 the Governor's approval in accordance with section 171-53,
34 Hawaii Revised Statutes; and

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36 WHEREAS, subsequent to the approval on September 22, 2017,
37 the Department of Accounting and General Services' Survey
38 Division finalized the easement map that showed an area of 2,206
39 square feet for the encroachment, which is an increase of 1,078
40 square feet; and

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

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

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

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

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 26 BE IT FURTHER RESOLVED that a certified copy of this
 27 Resolution be transmitted to the Chairperson of the Board of
 28 Land and Natural Resources.

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OFFERED BY: ~~Donna~~ *Donna*

Ronald H. Baker

A. Heleni

Donna

Clarence W. Nishihara

