

STAND. COM. REP. NO.

1050

Honolulu, Hawaii

MAR 22 2021

RE: S.C.R. No. 12

Honorable Ronald D. Kouchi
President of the Senate
Thirty-First State Legislature
Regular Session of 2021
State of Hawaii

Sir:

Your Committee on Water and Land, to which was referred
S.C.R. No. 12 entitled:

"SENATE CONCURRENT RESOLUTION AUTHORIZING THE ISSUANCE OF A
TERM, NON-EXCLUSIVE EASEMENT COVERING A PORTION OF STATE
SUBMERGED LANDS AT KAMAOLE, KULA, MAUI, FOR THE EXISTING
RUBBLE ROCK REVETMENT, ROCK WALL, AND TWO CONCRETE STAIRWAYS,
AND FOR USE, MAINTENANCE, REPAIR, REPLACEMENT, AND REMOVAL OF
THE EXISTING IMPROVEMENTS CONSTRUCTED THEREON,"

begs leave to report as follows:

The purpose and intent of this measure is to authorize the
issuance of a term, non-exclusive easement for the portion of
state submerged lands fronting the property identified as Tax Map
Key: (2) 3-9-005:001, Kamaole, Kula, Maui, for the existing rubble
rock revetment, rock wall, and two concrete stairways, and for the
use, maintenance, repair, replacement, and removal of the existing
improvements constructed thereon, pursuant to section 171-53,
Hawaii Revised Statutes.

Your Committee received testimony in support of this measure
from the Department of Land and Natural Resources.

Your Committee finds that, pursuant to section 171-53, Hawaii
Revised Statutes, the Board of Land and Natural Resources may
lease submerged lands with the prior approval of the Governor and
the prior authorization of the Legislature by concurrent
resolution. The rubble rock revetment, rock wall, and two



concrete stairways built in 1980 were originally built entirely in the government beach reserve. However, a portion of the improvements are located on lands makai of the shoreline, on state submerged lands. The encroaching structures will prevent shoreline erosion and mitigate inland flooding associated with large wave and storm events. Removal of the rubble rock revetment would place one of the condominium buildings under immediate threat of erosion, and removal of the stairs could hinder public access.

Your Committee further finds that, on March 10, 2011, under agenda item D-4, the Board of Land and Natural Resources, subject to conditions, unanimously approved a grant of a fifty-five-year non-exclusive easement to resolve the encroachment of the submerged portions, roughly half, of the 18,668 square feet subject area. Your Committee concludes that the easement is necessary for the use, maintenance, repair, replacement, and removal of the existing structures.

As affirmed by the record of votes of the members of your Committee on Water and Land that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 12 and recommends that it be referred to your Committee on Ways and Means.

Respectfully submitted on
behalf of the members of the
Committee on Water and Land,


LORRAINE R. INOUE, Chair



