STAND. COM. REP. NO.

Honolulu, Hawaii

MAR 2 2 2021

S.C.R. No. 17 RE:

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. 17 entitled:

"SENATE CONCURRENT RESOLUTION AUTHORIZING THE ISSUANCE OF A TERM, NON-EXCLUSIVE EASEMENT COVERING A PORTION OF STATE SUBMERGED LANDS AT WAIOHULI-KEOKEA HOMESTEADS, KIHEI, MAUI, FOR THE EXISTING SEAWALL, ROCK REVETMENT, AND CONCRETE STEPS, AND FOR USE, REPAIR, AND MAINTENANCE 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) 3-9-012:003, Waiohuli-Keokea Homesteads, Kihei, Maui, for the existing seawall, rock revetment, and concrete steps, and the use, repair, and maintenance of 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 and one individual.

Your Committee finds that, pursuant to section 171-53, Hawaii Revised Statutes, the Board of Land and Natural Resources (BLNR) may lease submerged lands with the prior approval of the Governor and the prior authorization of the Legislature by concurrent resolution. During a recent shoreline certification process, it

was determined that the revetment and a portion of the seawall and concrete stairs were located makai of the shoreline and located on state lands. There is little to no beach fronting the subject property, and public access is limited due to extensive beach loss and shoreline armoring; thus, the seawall easement would have no discernable effect on beach and recreational resources and would not act as a detriment to public access. Removal of the seawall may destabilize seawalls and revetments at adjacent properties, potentially threatening upland structures.

Your Committee further finds that, on June 9, 2017, under agenda item D-9, the BLNR, subject to conditions, unanimously approved a grant of a fifty-five year non-exclusive easement to resolve the seawall and rock revetment encroachment for an area of approximately six hundred eleven to six hundred fifty square feet. Your Committee also finds that on April 26, 2019, BLNR, subject to conditions, unanimously approved to add a portion of the concrete steps and amend the total encroachment area from six hundred fifty square feet to six hundred sixty-eight square feet. Your Committee concludes that the amendment of the easement is necessary for the use, repair, and maintenance of the existing seawall, rock revetment, and concrete steps.

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. 17 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. INOUYE. Chair

The Senate Thirty-First Legislature State of Hawai'i

Record of Votes Committee on Water and Land WTL

Bill / Resolution No.:*	Committee Referral:			Date:		
SCR 17	WTL, WAM			3/10/21		
The Committee is reconsidering its previous decision on this measure.						
If so, then the previous decision was to:						
The Recommendation is:						
Pass, unamended Pass, with amendments Hold Recommit 2312 2311 2310 2313						
Members		Aye	Aye (W	R)	Nay	Excused
INOUYE, Lorraine R. (C)		X				
KEITH-AGARAN, Gilbert S.C. (VC)		X				
MISALUCHA, Bennette E.		X				
RIVIERE, Gil			<u> </u>			X
FEVELLA, Kurt		X	<u> </u>			
						
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TOTAL		4				1
Recommendation: Adopted Not Adopted						
Chair's or Designee's Signature:						
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy						

*Only one measure per Record of Votes