

STAND. COM. REP. NO.

1055

Honolulu, Hawaii

MAR 22 2021

RE: S.C.R. No. 17

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



