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# SENATE 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  
24

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



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  
6

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  
13

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  
20

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  
24

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  
33

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  
38

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

9  
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

13  
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,

18  
19 BE IT RESOLVED by the Senate of the Thirtieth Legislature  
20 of the State of Hawaii, Regular Session of 2019, the House of  
21 Representatives 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

29  
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:

~~AC~~ *[Handwritten signature]*  
*Randy H. Baker*  
*Alex [unclear]*  
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