

STAND. COM. REP. NO.

1056

Honolulu, Hawaii

MAR 22 2021

RE: S.C.R. No. 18

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. 18 entitled:

"SENATE CONCURRENT RESOLUTION AUTHORIZING THE ISSUANCE OF A
TERM, NON-EXCLUSIVE EASEMENT COVERING A PORTION OF STATE
SUBMERGED LANDS AT WAIOHULI-KEOKEA HOMESTEADS AND BEACH LOTS,
KIHEI, MAUI, FOR THE EXISTING SEAWALL AND ROCK REVETMENT, 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) 3-9-10:006, Waiohuli-Keokea Homesteads and Beach Lots,
Kihei, Maui, for the existing seawall and rock revetment and for
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.

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 seawall and most of the revetment are located

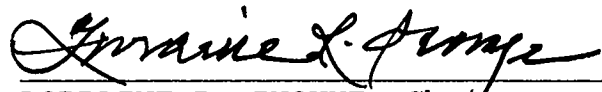


makai of the shoreline, on state lands. The Department of Land and Natural Resources' Office of Conservation and Coastal Lands (OCCL) determined that the seawall was authorized by the County of Maui on August 1, 1985, and supported a disposition through an easement. The OCCL determined that removal of the subject seawall would not result in a substantial improvement to beach resources fronting the property, would not improve public access, and could destabilize the seawalls and lawns on adjacent properties. The seawall also operates as the primary erosion control for potentially threatened upland structures.

Your Committee further finds that on July 11, 2014, under agenda item D-3, 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 1,260 square feet seawall and rock revetment encroachment. Your Committee concludes that the easement is necessary for the use, repair, and maintenance of the existing seawall and rock revetment.

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. 18 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



The Senate
 Thirty-First Legislature
 State of Hawai'i

Record of Votes
Committee on Water and Land
WTL

Bill / Resolution No.:* <i>SCR 18</i>	Committee Referral: <i>WTL, WAM</i>	Date: <i>3/10/21</i>		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input checked="" type="checkbox"/> Pass, unamended 2312 <input type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
INOUYE, Lorraine R. (C)	X			
KEITH-AGARAN, Gilbert S.C. (VC)	X			
MISALUCHA, Bennette E.	X			
RIVIERE, Gil				X
FEVELLA, Kurt	X			
TOTAL	4			1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> 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