
SENATE CONCURRENT RESOLUTION

AUTHORIZING THE ISSUANCE 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
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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
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25 WHEREAS, furthermore, according to the engineering
26 analysis, the boulder revetment partially absorbs wave energy
27 before the wave energy impacts the face of the CRM wall, and
28 removal of the revetment may put the CRM wall at a greater risk
29 of failure due to increased wave impact forces; and



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 2 WHEREAS, the boulder revetment influences the coastal
 3 dynamics of Sugar Cove and may partially stabilize Sugar Cove
 4 Beach by reducing wave reflection off the CRM wall, thereby
 5 absorbing incoming wave energy and impacting current
 6 circulation; and

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 8 WHEREAS, the Office of Conservation and Coastal Lands
 9 (OCCL) of the Department of Land and Natural Resources
 10 determined that removing the encroachment would effectively be
 11 impossible and unnecessary because the encroachment has been in
 12 place for over ninety years and has not impeded any public
 13 access throughout this time period; and

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 15 WHEREAS, the OCCL also determined that removing the
 16 encroachment would not improve beach access nor beach processes
 17 because the existing encroachment does not affect present
 18 conditions, but in fact, improves these conditions in that it
 19 provides for safe public access and protection from storms, high
 20 waters, and surf; and

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 22 WHEREAS, as a result, the OCCL's evaluation criteria
 23 supported a disposition of shoreline encroachment by the
 24 issuance of an easement; and

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 26 WHEREAS, on September 22, 2017, under agenda item D-7, the
 27 Board of Land and Natural Resources approved the issuance of a
 28 fifty-five year term, non-exclusive easement to Seaview 2004,
 29 Inc., for the resolution of encroaching seawall purposes, and
 30 imposed a fine of \$500 against the grantee for the illegal
 31 encroachment; and

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 33 WHEREAS, the subject area is approximately 1,128 square
 34 feet, which is subject to review and approval by the Department
 35 of Accounting and General Services' Survey Division; and

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 37 WHEREAS, the grantee will be required to pay the State the
 38 fair market value of the easement as consideration of the use of
 39 public lands to be determined by an independent appraiser; and

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 41 WHEREAS, section 171-53, Hawaii Revised Statutes, requires
 42 the prior approval of the Governor and prior authorization of



1 the Legislature by concurrent resolution to lease state
2 submerged lands; now, therefore,

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4 BE IT RESOLVED by the Senate of the Twenty-ninth
5 Legislature of the State of Hawaii, Regular Session of 2018, the
6 House of Representatives concurring, that the Board of Land and
7 Natural Resources is hereby authorized to issue a term, non-
8 exclusive easement covering a portion of state submerged lands
9 located seaward of Spreckelsville, Wailuku, Maui and identified
10 as Tax Map Key: (2) 3-8-002:seaward of 001 for the existing
11 seawall and boulder revetment and for use, repair, and
12 maintenance of the existing improvements constructed thereon
13 pursuant to section 171-53, Hawaii Revised Statutes; and

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15 BE IT FURTHER RESOLVED that a certified copy of this
16 Concurrent Resolution be transmitted to the Chairperson of the
17 Board of Land and Natural Resources.

