

Honolulu, Hawaii

APR 04 2023

RE: S.C.R. No. 228  
S.D. 1

Honorable Ronald D. Kouchi  
President of the Senate  
Thirty-Second State Legislature  
Regular Session of 2023  
State of Hawaii

Sir:

Your Committee on Water and Land, to which was referred  
S.C.R. No. 228 entitled:

"SENATE CONCURRENT RESOLUTION AUTHORIZING THE ISSUANCE OF A  
TERM, NON-EXCLUSIVE EASEMENT COVERING A PORTION OF STATE  
SUBMERGED LANDS AT MAALAEA BEACH LOTS, WAIKAPU, WAILUKU,  
MAUI, FOR THE EXISTING SEAWALL AND ROCK REVETMENT, AND FOR  
USE, MAINTENANCE, REPAIR, REPLACEMENT, AND REMOVAL 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 covering a portion of  
state submerged lands identified as Tax Map Key: (2) 3-8-014:  
seaward of 022, Maalaea Beach Lots, Waikapu, Wailuku, Maui, for  
the existing seawall and rock revetment, and for use, maintenance,  
repair, replacement, and removal of the existing improvements  
constructed thereon.

Your Committee received testimony in support of this measure  
from the Department of Land and Natural Resources and Association  
of Apartment Owners of Milowai-Maalaea. Your Committee received  
testimony in opposition to this measure from one individual.

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. Your Committee further finds that on October 9, 2015, under agenda item D-6, the Board of Land and Natural Resources, subject to conditions, approved a grant of a fifty-five year non-exclusive easement to resolve the encroachment of the seawall and rock revetment identified in this measure. On January 8, 2021, under agenda item D-5, the Board of Land and Natural Resources, subject to conditions, approved an amendment to shorten the term of the easement from fifty-five to twenty-five years, or in the event the applicant is not successful in acquiring the fee or obtaining an extension of the ground lease of the abutting apartment property, to end on December 31, 2038, concurrent with the expiration of the ground lease for the abutting apartment property. Your Committee finds that the easement is necessary for the use, maintenance, repair, replacement, and removal of the existing improvements.

Your Committee has amended this measure by:

- (1) Requesting that the Board of Land and Natural Resources require the easement to provide for either public access to the shoreline from the grass next to the seawall or for the installation of a railing along the top of the seawall to allow the public lateral access to the shoreline; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

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. 228, as amended herein, and recommends its adoption in the form attached hereto as S.C.R. No. 228, S.D. 1.

Respectfully submitted on  
behalf of the members of the  
Committee on Water and Land,

  
LORRAINE R. INOUE Chair



The Senate  
 Thirty-Second Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Water and Land**  
**WTL**

Bill / Resolution No.:* <b>SCR 228</b>	Committee Referral: <b>WTL</b>	Date: <b>3/29/23</b>		
<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 type="checkbox"/> Pass, unamended 2312 <input checked="" 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)	✓			
ELEFANTE, Brandon J.C. (VC)	✓			
CHANG, Stanley	✓			
MCKELVEY, Angus L.K.	✓			
FEVELLA, Kurt	✓			
<b>TOTAL</b>	5	ϕ	ϕ	ϕ
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
<b>Distribution:</b> Original     Yellow     Pink     Goldenrod File with Committee Report     Clerk's Office     Drafting Agency     Committee File Copy				

\*Only one measure per Record of Votes