STAND. COM. REP. NO. 3121

Honolulu, Hawaii MAR 3 0 2012

RE: S.C.R. No. 113

Honorable Shan S. Tsutsui President of the Senate Twenty-Sixth State Legislature Regular Session of 2012 State of Hawaii

Sir:

Your Committee on Water, Land, and Housing, to which was referred S.C.R. No. 113 entitled:

"SENATE CONCURRENT RESOLUTION AUTHORIZING THE ISSUANCE OF A TERM, NON-EXCLUSIVE EASEMENT COVERING A PORTION OF STATE SUBMERGED LANDS AT HONOKAWAI, LAHAINA, MAUI, FOR SEAWALL PURPOSES,"

begs leave to report as follows:

The purpose and intent of this measure is to authorize the Board of Land and Natural Resources to issue a term, non-exclusive easement covering a portion of state submerged lands fronting the property identified as tax map key: (2) 4-4-001:042, at Honokawai, Lahaina on the island of Maui for the use, maintenance, repair, and removal of an existing seawall over, under, and across state-owned land.

No testimony was submitted for this measure.

Your Committee finds that a seawall was constructed in 1965 to provide coastal protection for the property identified as tax map key: (2) 4-4-001:042. It was later determined that a portion of the seawall encumbered 1,484 square feet of state land, with submerged portions. Consequently, in 2010, a final environmental assessment was issued finding no significant impact and the Board of Land and Natural Resources granted a fifty-five year term, non-exclusive easement for seawall purposes.

Your Committee finds that section 171-53, Hawaii Revised Statutes, requires prior approval by the Governor and prior

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authorization of the Legislature by concurrent resolution to lease state submerged lands. Accordingly, your Committee finds the passage of this measure necessary.

As affirmed by the record of votes of the members of your Committee on Water, Land, and Housing that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 113 and recommends that it be referred to the Committee on Ways and Means.

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

DONOVAN M. DELA CRUZ, Chair

The Senate Twenty-Sixth Legislature State of Hawaiʻi

Record of Votes Committee on Water, Land and Housing WLH

Bill / Resolution No.:*	Committee	Referral:	Dat	te: 1	112/
SUP113	WLH	WAM		201	117
The committee is reconsidering its previous decision on this measure.					
If so, then the previous decision was to:					
The Pecommendation is:					
Pass, unamended Pass, with amendments Hold Recommit 2312 2311 2310 2313					
Members		Aye /	Aye (WR)	Nay	Excused
DELA CRUZ, Donovan M. (C)		V			
SOLOMON, Malama (VC)					V
FUKUNAGA, Carol					
RYAN, Pohai					
SHIMABUKURO, Maile					
TOKUDA, Jill N.					
SLOM, Sam					
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TOTAL		4			3
Recommendation:					
✓ Adopted			Not Adopted		
Chair's or Designee's Signature.					
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*Only one measure per Record of Votes