STAND. COM. REP. NO. 3102

Honolulu, Hawaii

## APR 2 5 2016

RE: H.C.R. No. 58 S.D. 1

Honorable Ronald D. Kouchi President of the Senate Twenty-Eighth State Legislature Regular Session of 2016 State of Hawaii

Sir:

Your Committee on Ways and Means, to which was referred H.C.R. No. 58 entitled:

"HOUSE CONCURRENT RESOLUTION AUTHORIZING AMENDMENT OF PERPETUAL NON-EXCLUSIVE EASEMENT FOR MAINTENANCE AND REPAIR OF EXISTING SEAWALL AND LANDSCAPING OF EASEMENT AREA AT LAHAINA ON THE ISLAND OF MAUI,"

begs leave to report as follows:

The purpose and intent of this measure is to authorize the amendment of a perpetual non-exclusive easement for maintenance and repair of an existing seawall and landscaping of an easement area at Lahaina on the island of Maui.

For purposes of holding a public hearing on this measure, your Committee prepared and circulated a proposed Senate Draft 1 of this measure that deleted the measure's contents and title and replaced it with the contents of House Concurrent Resolution No. 88, Senate Draft 1, authorizing the issuance of a term, nonexclusive easement covering a portion of state submerged lands fronting the property identified as tax map key: (2) 4-8-003: seaward of 006, Olowalu, Lahaina, Maui, Hawaii, for the construction of a boulder fill revetment to protect Honoapiilani Highway from damage due to shoreline erosion.



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Your Committee received testimony in support of the proposed Senate Draft 1 from the Department of Transportation and Department of Land and Natural Resources.

Your Committee received testimony in opposition to the proposed Senate Draft 1 from The Hawaii Association for Marine Education and Research, Inc.

Your Committee finds that portions of Honoapiilani Highway are being negatively impacted by shoreline erosion in the area of Olowalu, Lahaina, Maui. The Highways Division of the Department of Transportation has requested an easement on unencumbered state lands adjacent to the highway to allow for the construction of a boulder fill revetment along a 900-foot section of the seaward side of the highway, outside of the highway right of way, to protect the highway from damage due to shoreline erosion.

Your Committee further finds that on April 11, 2014, the Board of Land and Natural Resources approved conservation district use application MA-3708 for the subject project and, on August 14, 2015, approved the grant of a term, non-exclusive easement for sixty-five years to account for the use of government lands that the newly constructed boulder fill revetment will encumber.

Your Committee also finds that section 171-53, Hawaii Revised Statutes, requires the prior approval of the Governor and prior authorization of the Legislature by concurrent resolution to lease state submerged lands.

Accordingly, your Committee has amended this measure by adopting the proposed Senate Draft 1.

Your Committee notes that The Hawaii Association for Marine Education and Research submitted written testimony that raised concerns about environmental issues related to seawalls. Accordingly, your Committee requests the Department of Transportation to work with stakeholders regarding those concerns.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 58, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 58, S.D. 1.



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Respectfully submitted on behalf of the members of the Committee on Ways and Means,

JILL N. TOKUDA, Chair



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## The Senate Twenty-Eighth Legislature State of Hawaiʻi

## Record of Votes Committee on Ways and Means WAM

Bill / Resolution No.:* HCR 58	Committee Referral: WAM Date: 75/1			/16	
The Committee is reconsidering its previous decision on this measure.					
If so, then the previous decision was to:					
The Recommendation is:					
Pass, unamended Pass, with amendments Hold Recommit 2312 2311 2310 2313					
Members		Aye	Aye (WR)	Nay	Excused
TOKUDA, Jill N. (C)					
DELA CRUZ, Donovan M. (VC)					
CHUN OAKLAND, Suzanne					
ENGLISH, J. Kalani					
GALUTERIA, Brickwood					
HARIMOTO, Breene					
INOUYE, Lorraine R.					
RIVIERE, Gil					
TANIGUCHI, Brian T.			¢		
WAKAI, Gienn					
SLOM, Sam					
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TOTAL		$\overline{\mathcal{S}}$			
Recommendation: Adopted Not Adopted					
Chair's of Designee's Signature:					
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy					
*Only <u>one</u> measure per Record of Votes					

Revised: 6/4/15

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