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Honolulu, Hawaii

MAR 1 5 2017

RE: S.C.R. No. 41

Honorable Ronald D. Kouchi President of the Senate Twenty-Ninth State Legislature Regular Session of 2017 State of Hawaii

Sir:

Your Committee on Water and Land, to which was referred S.C.R. No. 41 entitled:

"SENATE CONCURRENT RESOLUTION AUTHORIZING THE ISSUANCE OF A SIXTY-FIVE YEAR TERM, NON-EXCLUSIVE EASEMENT FOR REPAIR AND MAINTENANCE OF THE EXISTING SEAWALL SEAWARD OF AND FRONTING TAX MAP KEY NUMBER: (2) 3-9-11:7; WAIOHULU-KEOKEA HOMESTEADS AND BEACH LOTS, WAIOHULU-KEOKEA (KIHEI), WAILUKU, MAUI, HAWAII,"

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) 3-9-11:7, seaward of lot 7, Waiohuli-Keokea Homesteads and Beach Lots, Waiohuli-Keokea (Kihei) Wailuku, Maui, Hawaii, for the maintenance and repair of the existing seawall 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 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 April 22, 2016, the Board of Land and Natural Resources approved a grant of a sixty-five-year non-exclusive easement, commencing on August 10, 1990, to:

- (1) Finalize a prior approved easement to resolve the encroachment of the seawall identified in this measure that was never formally executed, subject to certain conditions;
- (2) Update the applicant of the easement to reflect the current owner; and
- (3) Reduce the term of the easement from perpetual to sixty-five years.

Your Committee concludes that the easement is necessary for the repair and maintenance of the existing seawall.

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. 41 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,

KARL RHOADS, Chair

## The Senate Twenty-Ninth Legislature State of Hawaiʻi

## Record of Votes Committee on Water and Land WTL

Bill / Resolution No.:*		Committee Referral:		Da	Date:	
SCR 41		WTL,	WAM	0	3-08-	2017
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
RHOADS, Karl (C)			/			
GABBARD, Mike (VC)						/
INOUYE, Lorraine R.						
KIM, Donna Mercado			/			
THIELEN, Laura H.						
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TOTAL			3	0	0	2
Recommendation:						
Adopted Not Adopted						
Chair's or Designee's Signature:						
Jenne Mercado L						
Distribution:         Original         Yellow         Pink         Goldenrod           File with Committee Report         Clerk's Office         Drafting Agency         Committee File Copy						

\*Only one measure per Record of Votes