

STAND. COM. REP. NO.

1194

Honolulu, Hawaii

MAR 29 2017

RE: S.C.R. No. 74
S.D. 1

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. 74 entitled:

"SENATE CONCURRENT RESOLUTION AUTHORIZING THE ISSUANCE OF A
TERM, NON-EXCLUSIVE EASEMENT COVERING A PORTION OF STATE
SUBMERGED LANDS AT LAHAINA, MAUI, FOR THE MAINTENANCE AND
REPAIR OF THE EXISTING CONCRETE SEAWALL, AND FOR THE USE,
REPAIR, AND MAINTENANCE 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 for the portion of
state submerged lands fronting the property identified as tax map
key: (2) 4-6-003: seaward of 007, Lahaina, Maui, for the
maintenance and repair of the existing concrete seawall, and for
the use, repair, and maintenance of the existing improvements
constructed thereon.

Your Committee received testimony in support of this measure
from the Department of Land and Natural Resources and 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 14, 2016, under agenda item D-9, the Board of Land and Natural Resources approved a grant of a fifty-five-year non-exclusive easement to resolve the encroachments of the concrete seawall identified in this measure. Your Committee notes that the grantees are required to pay the State the fair market value of the easement to be determined by an independent appraisal, which has not yet been completed. Your Committee concludes that the easement is necessary for the maintenance and repair of the existing concrete seawall, and for the use, repair, and maintenance of the existing improvements thereon.

Your Committee has amended this measure by identifying the property owner as Campbell Family Trust pursuant to testimony received from the Department of Land and Natural Resources.

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. 74, as amended herein, and recommends that it be referred to your Committee on Ways and Means, in the form attached hereto as S.C.R. No. 74, S.D. 1.

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



KARL RHOADS, Chair



The Senate
Twenty-Ninth Legislature
State of Hawai'i

Record of Votes
Committee on Water and Land
WTL

Bill / Resolution No.:* SCR 74	Committee Referral: WTL, WAM	Date: 03-24-2017		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="text-align: center;"><input type="checkbox"/> Pass, unamended 2312</div> <div style="text-align: center;"><input checked="" type="checkbox"/> Pass, with amendments 2311</div> <div style="text-align: center;"><input type="checkbox"/> Hold 2310</div> <div style="text-align: center;"><input type="checkbox"/> Recommit 2313</div> </div>				
Members	Aye	Aye (WR)	Nay	Excused
RHOADS, Karl (C)	✓			
GABBARD, Mike (VC)	✓			
INOUE, Lorraine R.				✓
KIM, Donna Mercado				✓
THIELEN, Laura H.	✓			
TOTAL	3	—	—	2
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

***Only one measure per Record of Votes**