

STAND. COM. REP. NO.

3331

Honolulu, Hawaii

MAR 28 2018

RE: S.C.R. No. 80
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Twenty-Ninth State Legislature
Regular Session of 2018
State of Hawaii

Sir:

Your Committee on Water and Land, to which was referred
S.C.R. No. 80 entitled:

"SENATE CONCURRENT RESOLUTION AUTHORIZING THE ISSUANCE OF A
TERM, NON-EXCLUSIVE EASEMENT COVERING A PORTION OF STATE
SUBMERGED LANDS AT SPRECKELSVILLE, WAILUKU, MAUI, FOR THE
EXISTING SEAWALL AND BOULDER REVETMENT AND FOR 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 provide
legislative authorization for the issuance of a term, non-
exclusive easement covering a portion of state submerged lands at
Spreckelsville, Wailuku, Maui, by the Board of Land and Natural
Resources for the existing seawall and boulder revetment and for
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.

Your Committee finds that an existing seawall and boulder
revetment fronting the property identified as Tax Map Key:
(2) 3-8-002:seaward of 001, Spreckelsville, Wailuku, Maui, are
placed on state submerged lands. The current owner of the
abutting property worked with the Department of Land and Natural



Resources to resolve the encroachment problems, and the Department subsequently approved a grant of a fifty-five year term, non-exclusive easement on September 22, 2017, and imposed a fine of \$500 against the grantee for the illegal encroachment.

Your Committee further finds that the encroachment area is about 1,128 square feet, which is subject to review and approval by the Department of Accounting and General Services' Survey Division. The abutting property owner is required to pay the State the fair market value of the easement as consideration for the use of public lands, and the amount of the consideration shall be determined by an independent appraiser. Since the Board of Land and Natural Resources has met all statutory prerequisites, this measure authorizes the issuance of a term, non-exclusive easement in accordance with section 171-53, Hawaii Revised Statutes.

Your Committee has amended this measure by:

- (1) Inserting language regarding a \$500 fine imposed by the Board of Land and Natural Resources against the current abutting property owner for the illegal encroachment;
- (2) Inserting language that the subject area of the term, non-exclusive easement is subject to review and approval by the Department of Accounting and General Services' Survey Division;
- (3) Inserting language that the grantee shall pay the State the fair market value of the term, non-exclusive easement as consideration of the use of public lands to be determined by an independent appraiser; and
- (4) 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. 80, 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. 80, S.D. 1.



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

Karl Rhoads

KARL RHOADS, Chair



The Senate
Twenty-Ninth Legislature
State of Hawai'i

Record of Votes
Committee on Water and Land
WTL

Bill / Resolution No.:* <div style="font-size: 1.2em; font-weight: bold;">SCR 80</div>	Committee Referral: <div style="font-size: 1.2em; font-weight: bold;">WTL, WAM</div>	Date: <div style="font-size: 1.2em; font-weight: bold;">3/23/2018</div>		
<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.				✓
RIVIERE, Gil	✓			
THIELEN, Laura H.	✓			
TOTAL	4	—	—	1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: <div style="display: flex; justify-content: space-between; font-size: 0.8em;"> Original File with Committee Report Yellow Clerk's Office Pink Drafting Agency Goldenrod Committee File Copy </div>				

*Only one measure per Record of Votes