

STAND. COM. REP. NO.

970

Honolulu, Hawaii

, 2021

MAR 16

RE: H.C.R. No. 22

H.D. 1

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirty-First State Legislature
Regular Session of 2021
State of Hawaii

Sir:

Your Committee on Water & Land, to which was referred H.C.R.
No. 22 entitled:

"HOUSE CONCURRENT RESOLUTION AUTHORIZING THE ISSUANCE OF
TERM, NON-EXCLUSIVE EASEMENTS COVERING A PORTION OF STATE
SUBMERGED LANDS AT WAIHOLI-KEOKEA (KIHEI), WAILUKU, MAUI,
FOR THE EXISTING SEAWALL, AND FOR USE, MAINTENANCE, AND
REPAIR OF THE EXISTING IMPROVEMENTS CONSTRUCTED THEREON,"

begs leave to report as follows:

The purpose of this measure is to authorize the issuance of
term, non-exclusive easements covering a portion of state
submerged lands at Waiohuli-Keokea (Kihei), Wailuku, Maui, for the
existing seawall, and for use, maintenance, and repair 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 this easement covers improvements
that were constructed partially on private land and partially on
state-owned land seaward of the recorded boundary and that the
shoreline has since migrated landward, thus placing the
improvements entirely seaward of the shoreline on submerged land.
Your Committee further finds that the area seaward of the parcel



is identified as a state beach reserve; however, the land appears to be almost consistently underwater, with no beach area remaining. Furthermore, your Committee finds that it also appears that most of the adjacent properties along the coastline have been similarly armored.

Your Committee has amended this measure by:

- (1) Clarifying that the grantees have already paid the fair market value, as determined by independent appraisal, in the amount of \$19,700 and \$19,200 for the benefit of CPR 001 and 002, respectively; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Water & Land that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 22, as amended herein, and recommends that it be referred to your Committee on Consumer Protection & Commerce in the form attached hereto as H.C.R. No. 22, H.D. 1.

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



DAVID A. TARNAS, Chair



State of Hawaii
House of Representatives
The Thirty-first Legislature

Record of Votes of the Committee on Water & Land

Bill/Resolution No.: HCR 22	Committee Referral: WAL, CPC	Date: 3/11/2021		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
WAL Members	Ayes	Ayes (WR)	Nays	Excused
1. TARNAS, David A. (C)	✓			
2. BRANCO, Patrick Pihana (VC)	✓			
3. GANADEN, Sonny	✓			
4. KOBAYASHI, Bertrand	✓			
5. KONG, Sam Satoru				✓
6. MORIKAWA, Dee	✓			
7. OHNO, Takashi	✓			
8. McDERMOTT, Bob		✓		
TOTAL (8)	6	1		1
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. committee acronym(s)				
Vice Chair's or designee's signature: <u><i>David Carnes</i></u>				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				