STAND. COM. REP. NO. 1728

Honolulu, Hawaii

APR 1 3 2021

RE: H.C.R. No. 22 H.D. 1 S.D. 1

Honorable Ronald D. Kouchi President of the Senate Thirty-First State Legislature Regular Session of 2021 State of Hawaii

Sir:

Your Committee on Water and Land, to which was referred H.C.R. No. 22, H.D. 1, entitled:

"HOUSE CONCURRENT RESOLUTION AUTHORIZING 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,"

begs leave to report as follows:

The purpose and intent of this measure is to authorize the Board of Land and Natural Resources to issue a term, non-exclusive easement covering a portion of state submerged lands at Waiohuli-Keokea, Wailuku, Maui, for the existing 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.

Your Committee finds that, pursuant to section 171-53, Hawaii Revised Statutes, the Board of Land and Natural Resources (BLNR) 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 in its meetings on August 25, 2017, under agenda item D-9, as amended, and



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October 12, 2018, under agenda item D-5, the BLNR, subject to conditions, approved the grants of sixty-five-year non-exclusive easements of the additional portions of the seawall on state submerged lands, to resolve the approximately nine hundred twentyeight square feet of seawall encroachments. Your Committee notes that the term of these additional easements is to run with the land and inure to the benefit of the abutting real property. Your Committee concludes that the easement is necessary for the use, repair, and maintenance of the existing seawall.

Your Committee has amended this measure by 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 H.C.R. No. 22, H.D. 1, as amended herein, and recommends that it be referred to your Committee on Ways and Means, in the form attached hereto as H.C.R. No. 22, H.D. 1, S.D. 1.

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

LORRAINE R. INOUYE,



The Senate Thirty-First Legislature State of Hawai'i

Record of Votes Committee on Water and Land WTL

Bill / Resolution No.:* HUR 22, HD I	Committee Referral: WTL, WAM		Di	Date: 4/7/21	
The Committee is reconsidering its previous decision on this measure.					
The Recommendation is:					
Pass, unamended X Pass, with amendments Hold Recommit 2312 2311 2310 2313					
Members		Aye	Aye (WR)	Nay	Excused
INOUYE, Lorraine R. (C)		X			
KEITH-AGARAN, Gilbert S.C. (VC)		X			
MISALUCHA, Bennette E.		X			
RIVIERE, Gil		<u>×</u>			
FEVELLA, Kurt		X			
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TOTAL		5			
Recommendation:					
Chair's or 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