STAND. COM. REP. NO. 1029 -22

Honolulu, Hawaii MAR 15, ²⁰²²

RE: H.C.R. No. 3 H.D. 1

Honorable Scott K. Saiki Speaker, House of Representatives Thirty-First State Legislature Regular Session of 2022 State of Hawaii

Sir:

Your Committee on Water & Land, to which was referred H.C.R. No. 3 entitled:

"HOUSE CONCURRENT RESOLUTION AUTHORIZING THE AMENDMENT OF A TERM, NON-EXCLUSIVE EASEMENT COVERING A PORTION OF STATE SUBMERGED LANDS AT WAILUPE, HONOLULU, OAHU, FOR THE EXISTING SEAWALL, AND FOR USE, REPAIR, AND MAINTENANCE OF THE EXISTING IMPROVEMENTS CONSTRUCTED THEREON,"

begs leave to report as follows:

The purpose of this measure is to authorize the Board of Land and Natural Resources to issue an amendment to the term, nonexclusive easement covering an additional portion of state submerged lands fronting the property identified as Tax Map Key: (1) 3-6-003:015, Wailupe, Honolulu, Oahu, for the existing seawall, and for use, repair, and maintenance of the existing improvements 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 notes that the Department of Land and Natural Resources testified that after the discovery of an additional sixteen square foot encroachment in 2007, the Department initially explored canceling the easement and selling the reclaimed land

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area to the easement holder in fee, along with an easement for only the submerged land area. However, due to changes in law and departmental policy, the sale of the reclaimed land was never completed and eventually abandoned. The original easement continues to remain in effect and unamended since its initial execution.

Your Committee has amended this measure by:

- Clarifying that this measure authorizes the addition of a portion of state submerged lands to a term, nonexclusive easement covering a portion of state reclaimed lands;
- (2) Amending its title accordingly; and
- (3) 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. 3, as amended herein, and recommends that it be referred to your Committee on Finance in the form attached hereto as H.C.R. No. 3, 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.:	Committee Referral: WAL, F/N		Date	Date: 3/10/2022		
□ The committee is reconsidering its previous decision on the measure.						
The recommendation is to: Pass, unamended (as is) Pass, with amendments (HD) Hold 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		\checkmark				
4. KOBAYASHI, Bertrand		\checkmark				
5. KONG, Sam Satoru						
S. KONG, Sam Satoru						
6. MORIKAWA, Dee		V		<u>en ander de ser den ander de ser </u>		
7. OHNO, Takashi	والاستراد والمتعادية والمتعادية		n and a second and a	The second s	Vidit Almanda 1 1 1 1 1	
8. McDERMOTT, Bob						
TOTAL (8)		R	0	0	0	
The recommendation is: Adopted I Not Adopted If joint referral, did not support recommendation.						
Vice Chair's or designee's signature: Davy Cannas						
Distribution: Original (White) - Committee Duplicate (Yellow) - Chief Clerk's Office Duplicate (Pink) - HMSO						