

STAND. COM. REP. NO. 3880

Honolulu, Hawaii

APR 18 2024

RE: H.C.R. No. 14
H.D. 2

Honorable Ronald D. Kouchi
President of the Senate
Thirty-Second State Legislature
Regular Session of 2024
State of Hawaii

Sir:

Your Committee on Water and Land, to which was referred
H.C.R. No. 14, H.D. 2, entitled:

"HOUSE CONCURRENT RESOLUTION AUTHORIZING THE ISSUANCE OF A
TERM, NON-EXCLUSIVE EASEMENT COVERING A PORTION OF STATE
SUBMERGED LANDS AT MAALAEA BEACH LOTS, WAIKAPU, WAILUKU,
MAUI, FOR THE EXISTING SEAWALL, 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 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) 3-8-014:022, Maalaea Beach Lots, Waikapu, Wailuku, Maui,
for the existing seawall, and the use, repair, and maintenance of
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, Ma'alaia Village
Association, and six individuals.

Your Committee received comments on this measure from Milowai
Maalaea AOAO.



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 9, 2015, the Board of Land and Natural Resources, subject to conditions, approved a grant of a fifty-five-year non-exclusive easement to resolve the encroachment of the seawall identified in this measure. Your Committee notes that on January 8, 2021, the Board of Land Natural Resources approved an amendment to the decision made on October 9, 2015, to shorten the term of the non-exclusive easement from fifty-five to twenty-five years, or in the event the applicant is unsuccessful in acquiring the fee or obtaining an extension of the ground lease of the abutting apartment property, to end on December 31, 2038, concurrent with the expiration of the ground lease for the abutting apartment property. Your Committee concludes that the easement is necessary for the use, repair, and maintenance of the existing seawall.

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. 14, H.D. 2, and recommends its adoption.

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


LORRAINE R. INOUE, Chair



The Senate
 Thirty-Second Legislature
 State of Hawai'i

Record of Votes
Committee on Water and Land
WTL

Bill / Resolution No.:* HR 14, HD2	Committee Referral: WTL, WAM	Date: 4/11/24		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input checked="" type="checkbox"/> Pass, unamended 2312 <input type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
INOUE, Lorraine R. (C)	✓			
ELEFANTE, Brandon J.C. (VC)	✓			
CHANG, Stanley	✓			
MCKELVEY, Angus L.K.	✓			
FEVELLA, Kurt				✓
TOTAL	4	0	0	1
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