STAND. COM. REP. NO. 1404 -24

Honolulu, Hawaii

MAR 27 , 2024

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

Honorable Scott K. Saiki Speaker, House of Representatives Thirty-Second State Legislature Regular Session of 2024 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 A TERM, NON-EXCLUSIVE EASEMENT COVERING A PORTION OF STATE SUBMERGED LANDS AT WAIKIKI, HONOLULU, OAHU, FOR CONSTRUCTION, USE, REPAIR, AND MAINTENANCE OF STEPS,"

begs leave to report as follows:

The purpose 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 identified as Tax Map Key: (1)3-1-039: seaward of 065, Waikiki, Honolulu, Oahu, for the construction, use, repair, and maintenance of concrete steps 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 finds that section 171-53, Hawaii Revised Statutes, requires the Board of Land and Natural Resources (Board) to obtain prior authorization from the Legislature and prior approval of the Governor to dispose of state submerged lands. A private entity requested the approval of the Department of Land and Natural Resources' Office of Conservation and Coastal Lands to reconstruct concrete steps on state submerged lands in the same

location, alignment, configuration, and footprint as previously existing concrete steps that had been constructed on the makai side of an existing seawall that fronted state submerged land identified as Tax Map Key: (1)3-1-039: seaward of 065, Waikiki, Honolulu, Oahu, and that were removed from the state submerged lands in 2021. Your Committee further finds that on October 13, 2023, the Board approved a grant of a twenty-five-year non-exclusive easement to resolve any encroachment issues. Your Committee also finds that this measure expresses the requisite legislative approval so that an easement may be issued for the use of those state submerged lands.

Your Committee has amended this measure by:

- (1) Adding WHEREAS clauses explaining your Committee's concerns about the ongoing challenges posed by sea-level rise and the existing practice of issuing easements to private landowners for state submerged lands on a case-by-case basis;
- (2) Providing that the term of the non-exclusive easement to resolve the existing encroachments should not exceed , fifteen years; 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. 22, as amended herein, and recommends that it be referred to your Committee on Finance 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,

LINDA ICHIYAMA, Thair

State of Hawaii House of Representatives The Thirty-second Legislature

HSCR 1404 - 24

Record of Votes of the Committee on Water & Land

Bill/Resolution No.: HUR 22	Committee Referral: WAL, FIN	Da	Date: 3/9/14		
☐ 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. ICHIYAMA, Linda (C)					
		ing in ing district and in incident			
2. POEPOE, Mahina (VC)				A STATE OF THE STA	
3. CHUN, Cory M.			THE RESERVENCE OF THE PROPERTY		
4. GANADEN, Sonny					
5. HASHEM, Mark J.					
5. HASHEM, Mark J.	ine production and the second			164: 422.5	
6. MIZUNO, May Besario	Tide of Releases, Asian is			in line in the L	
7. MORIKAWA, Dee		A Fire 198 . A SEAN			
			lic Çan		
8. TAKAYAMA, Gregg		**************************************	500 THERBORY 1942 R. 100 1945 R. T. C. 240 171	#### :	
9. SOUZA, Kanani					
TOTAL (9)	9	0	0	0	
The recommendation is: Adopted If joint referral, did not support recommendation. committee acronym(s)					
Vice Chair's or designee's signature:					
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO					