

STAND. COM. REP. NO. 1358

Honolulu, Hawaii

MAR 30 2007

RE: S.C.R. No. 24
S.D. 1

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fourth State Legislature
Regular Session of 2007
State of Hawaii

Madam:

Your Committee on Water, Land, Agriculture, and Hawaiian Affairs, to which was referred S.C.R. No. 24 entitled:

"SENATE CONCURRENT RESOLUTION AUTHORIZING THE GRANT OF A TERM, NON-EXCLUSIVE EASEMENT COVERING PORTION OF SUBMERGED LANDS AT LAHAINA, MAUI, FOR DIVE SITE FOR COMMERCIAL SUBMARINE TOURS,"

begs leave to report as follows:

The purpose of this measure is to seek legislative approval for the authorization of a grant of a term, non-exclusive easement for a dive site for commercial submarine tours on portions of State-owned submerged lands in Lahaina, Maui.

Testimony in support of this measure was submitted by the Department of Land and Natural Resources and the Department of the Attorney General.

Atlantis Submarines Hawaii, LLC operates a forty-eight passenger submarine in the Twin Peaks area that consists of four natural reefs. Atlantis sunk, with approval from the Board of Land and Natural Resources, the replica whaling ship Carthaginian to create an artificial reef approximately three thousand one hundred feet offshore of Paumana Beach Park and approximately one hundred and one-fourth miles south of Lahaina Harbor. Studies have shown that artificial reefs alleviate pressure on existing natural reef systems from overuse, promote reef and fish biomass, and provide educational opportunities to study the increase of reef and fish biomass over time.

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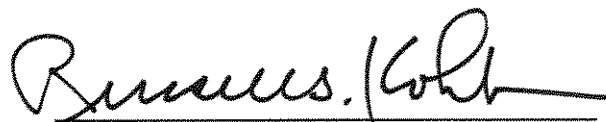
Your Committee finds that under section 171-53, Hawaii Revised Statutes, the Board of Land and Natural Resources is required to seek prior approval of the Governor and prior authorization of the Legislature by concurrent resolution to issue a non-exclusive easement for state-owned submerged lands. This measure will provide the required prior legislative approval for an easement for a dive site for commercial submarine tours on portions of State-owned submerged lands in Lahaina, Maui.

Your Committee has amended this measure by:

- (1) Adding the President and Chief Executive Officer of Atlantis Submarines Hawaii, LLC to the list of recipients to receive a certified copy of this measure; and
- (2) Requesting that the Department of Land and Natural Resources submit a written report to the Legislature on the appraised value of the portion of the state-owned submerged lands the non-exclusive easement will cover, and the compensation for the easement.

As affirmed by the record of votes of the members of your Committee on Water, Land, Agriculture, and Hawaiian Affairs that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 24, as amended herein, and recommends that it be referred to the Committee on Ways and Means, in the form attached hereto as S.C.R. No. 24, S.D. 1.

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



RUSSELL S. KOKUBUN, Chair



