STAND. COM. REP. NO. 194

Honolulu, Hawaii APR 1 3 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 Ways and Means, to which was referred S.C.R. No. 24, S.D. 1, 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 grant the prior authorization by concurrent resolution of the Legislature of a lease to submerged state lands beneath tidal waters at Lahaina, Maui, Hawaii, to Atlantis Submarines Hawaii, LLC.

Your Committee has received comments in support of this Concurrent Resolution from the Department of Land and Natural Resources.

Atlantis proposed to sink the Carthaginian, a replica of a whaling ship that was on display for years in Lahaina Harbor, as a submerged reef. The Carthaginian was deteriorating and determined to be beyond repair. The purpose of the sinking of the Carthaginian was to create an artificial reef that would:

- (1) Alleviate pressure on existing natural reef systems;
- (2) Promote reef and fish biomass for commercial and recreational users; and

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(3) Provide educational opportunities to study biomass increase over time.

Prior to establishing the artificial reef, Atlantis required a lease for the submerged lands that the sunken Carthaginian would occupy. At its scheduled meeting of December 9, 2005, the Board of Land and Natural Resources authorized the direct issuance of a term, non-exclusive easement for the use of the state submerged lands as a dive site for commercial submarine tours, subject to certain conditions. However, because of the rapid disintegration of the Carthaginian and the coming whale season, your Committee notes that Atlantis was permitted to sink the Carthaginian on December 13, 2005.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 24, S.D. 1, and recommends its adoption.

Respectfully submitted on behalf of the members of the Committee on Ways and Means,

ROSALYN HU BAKER, Chair

## The Senate Twenty-Fourth Legislature State of Hawaii

## Record of Votes Committee on Ways and Means WAM

Bill / Resolution No.:*  SCR 24 SDI	Committee Referral: WAH, WAM		i i	Date: 4/5/07	
The committee is reconsidering its previous decision on this measure.  If so, then the previous decision was to:					
The Recommendation is:					
Pass, unamended Pass, with amendments Hold Recommit 2312 2311 2310 2313					
Members		Aye	Aye (WR)	Nay	Excused
BAKER, Rosalyn H. (C)					
TSUTSUI, Shan S. (VC)		/			
CHUN OAKLAND, Suzanne					
ENGLISH, J. Kalani					
FUKUNAGA, Carol					
HOOSER, Gary L.					
KIM, Donna Mercado					
MENOR, Ron					
TOKUDA, JIII N.					
HEMMINGS, Fred					
WHALEN, Paul					
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TOTAL		<u> </u>	<u> </u>	V	<u> </u>
Recommendation:	Adopted	ted Not Adopted			
Chair's or Designee's Signature:					
Distribution: Original File with Committee	ee Report	Yellow Pink port Clerk's Office Drafting Agency			