

STAND. COM. REP. NO. 1947-08

Honolulu, Hawaii

A-21, 2008

RE: S.C.R. No. 4

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Fourth State Legislature
Regular Session of 2008
State of Hawaii

Sir:

Your Committee on Water, Land, Ocean Resources & Hawaiian Affairs, to which was referred S.C.R. No. 4 entitled:

"SENATE CONCURRENT RESOLUTION AUTHORIZING THE ISSUANCE OF NON-EXCLUSIVE EASEMENT COVERING PORTION OF STATE SUBMERGED LANDS AT LAHAINA, MAUI, FOR MAINTENANCE AND REPAIR OF EXISTING CONCRETE PILLARS AND IMPROVEMENTS PURPOSES,"

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 fronting the property identified as Tax Map Key No.: (2) 4-5-1:5 at Lahaina, Maui, for maintenance and repair of existing concrete pillars and improvements purposes.

The Department of Land and Natural Resources testified in support of this measure.

Your Committee notes that the area above the submerged lands in question is partially used for a restaurant. Leases of the submerged lands in question are made on a case-by-case basis which is why there is a difference in the lease term between the original lease and the current lease for the submerged lands. Your Committee further notes that the submerged lands in question are ceded lands and that proceeds from the pro rata portion of the income derived from the usage of these lands is required to be transferred to the Office of Hawaiian Affairs pursuant to Article XII of the Hawaii Constitution.

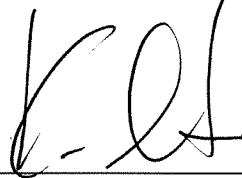
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Pursuant to section 171-53(c), Hawaii Revised Statutes, the Board of Land and Natural Resources is authorized to lease the described lands to any private entity upon the prior approval of the Governor and prior authorization of the Legislature by concurrent resolution. Accordingly, this measure authorizes the Board of Land and Natural Resources to lease the lands fronting the property identified as Tax Map Key No.: (2) 4-5-1:5 at Lahaina, Maui, for maintenance and repair of existing concrete pillars and improvements purposes.

As affirmed by the record of votes of the members of your Committee on Water, Land, Ocean Resources & Hawaiian Affairs that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 4 and recommends its adoption.

Respectfully submitted on
behalf of the members of the
Committee on Water, Land, Ocean
Resources & Hawaiian Affairs,



KEN ITO, Chair



