

STAND. COM. REP. NO.

3444

Honolulu, Hawaii

APR 13 2012

RE: S.C.R. No. 113

Honorable Shan S. Tsutsui
President of the Senate
Twenty-Sixth State Legislature
Regular Session of 2012
State of Hawaii

Sir:

Your Committee on Ways and Means, to which was referred
S.C.R. No. 113 entitled:

"SENATE CONCURRENT RESOLUTION AUTHORIZING THE ISSUANCE OF A
TERM, NON-EXCLUSIVE EASEMENT COVERING A PORTION OF STATE
SUBMERGED LANDS AT HONOKAWAI, LAHAINA, MAUI, FOR SEAWALL
PURPOSES,"

begs leave to report as follows:

The purpose and intent 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: (2) 4-4-001:042, at
Honokawai, Lahaina, Maui, for the use, maintenance, repair, and
removal of an existing seawall over, under, and across state-owned
land.

Your Committee finds that the Board of Land and Natural
Resources may lease state submerged lands with the prior approval
of the Governor and the Legislature by concurrent resolution,
pursuant to section 171-53, Hawaii Revised Statutes. Your
Committee further finds that the subject seawall was constructed
in 1965 to provide necessary coastal protection for the property
identified as tax map key: (2) 4-4-001:042, and that it was later
determined that a portion of the seawall encumbers state land,
with submerged portions.

Your Committee also finds that, in September 2010, a final
environment assessment for the existing seawall was completed and
a finding of no significant impact was issued. In August 2011,

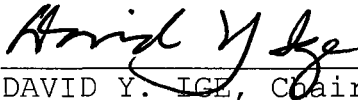
SCR113 SSCR LRB 12-2558.doc



the Board of Land and Natural Resources granted a fifty-five year term, non-exclusive easement to the Association of Unit Owners of Hale Kai Condominium for seawall improvements, subject to certain terms and conditions. Your Committee further finds that the easement is necessary for the use, maintenance, repair, and removal of the existing seawall.

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. 113 and recommends its adoption.

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



DAVID Y. IGE, Chair



The Senate
Twenty-Sixth Legislature
State of Hawai'i

Record of Votes
Committee on Ways and Means
WAM

Bill / Resolution No.:* SCR 113	Committee Referral: WLH, WAM	Date: 4-11-12		
<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
IGE, David Y. (C)	/			
KIDANI, Michelle N. (VC)	/			
CHUN OAKLAND, Suzanne				/
DELA CRUZ, Donovan M.	/			
ENGLISH, J. Kalani	/			
ESPERO, Will	/			
FUKUNAGA, Carol	/			
KIM, Donna Mercado				/
KAHELE, Gilbert				/
KOUCHI, Ronald D.				/
RYAN, Pohai	/			
TOKUDA, Jill N.	/			
WAKAI, Glenn	/			
SLOM, Sam				/
TOTAL	9	0	0	5
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <i>Michelle N. Kidani</i>				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes