

STAND. COM. REP. NO.

1239

Honolulu, Hawaii

APR 02 2013

RE: H.C.R. No. 46
S.D. 1

Honorable Donna Mercado Kim
President of the Senate
Twenty-Seventh State Legislature
Regular Session of 2013
State of Hawaii

Madam:

Your Committee on Water and Land, to which was referred
H.C.R. No. 46 entitled:

"HOUSE CONCURRENT RESOLUTION AUTHORIZING THE ISSUANCE OF A
TERM, NON-EXCLUSIVE EASEMENT COVERING A PORTION OF STATE
SUBMERGED LANDS AT LANIKAI, KOOLAPOKO, OAHU, FOR SEAWALL AND
REVTMENT PURPOSES,"

begs leave to report as follows:

The purpose and intent of this measure is to authorize the
issuance of a term, non-exclusive easement covering a portion of
state submerged lands at Lanikai, Koolaupoko, Oahu, for seawall
and revetment purposes.

Your Committee received testimony in support of this measure
from the Department of Land and Natural Resources.

The subject property is identified as covering a portion of
state submerged lands identified as tax map key (1) 4-3-005:
seaward of 56, at Lanikai, Oahu, Hawaii. The 18,376 square foot
property was developed with a single-family dwelling built in 1939
and a shoreline protection structure around 1953 prior to the
establishment of the state land use laws. On September 13, 1968,
the previous owners of the subject property and three adjoining
properties obtained Shore Water Construction Permit No. 1395
issued by the Harbors Division of the Department of Transportation
to construct a six- to eight-foot wide "protective stone blanket
for erosion control" seaward of the existing five-foot high
retaining walls.

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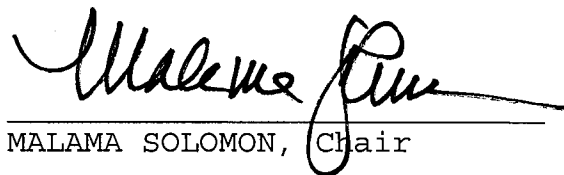
On January 13, 2012, under agenda item D-17, the Board of Land and Natural Resources approved the request for a non-exclusive easement by the owners, James Hugh Duncan and Barbara-Jeann Duncan. On October 16, 2012, the Land Division of the Department of Land and Natural Resources confirmed acceptance by the owners of the consideration payable for the subject easement as determined by an independent appraisal dated August 27, 2012.

Your Committee has amended this measure by:

- (1) Amending the title to reflect the correct spelling of Koolaupoko;
- (2) Reflecting the proper cross-reference for the agenda item; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Water and Land that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 46, as amended herein, and recommends that it be referred to the Committee on Ways and Means, in the form attached hereto as H.C.R. No. 46, S.D. 1.

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


MALAMA SOLOMON, Chair



