

Honolulu, Hawaii

APR 01 2013

RE: S.C.R. No. 105

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  
S.C.R. No. 105 entitled:

"SENATE CONCURRENT RESOLUTION AUTHORIZING THE ISSUANCE OF A  
NON-EXCLUSIVE EASEMENT COVERING A PORTION OF STATE SUBMERGED  
LANDS PURSUANT TO SECTION 171-53, HAWAII REVISED STATUTES,  
RELATING TO RECLAMATION AND DISPOSITION OF SUBMERGED OR  
RECLAIMED PUBLIC LAND,"

begs leave to report as follows:

The purpose and intent of this measure is authorize the Board  
of Land and Natural Resources to issue a non-exclusive easement  
for a fifty-five year term covering that portion of state  
submerged lands located in Makaha, Waianae, Oahu, for purposes of  
renovation and construction of a seawall, subject to limitations  
and conditions to be determined by the Board of Land and Natural  
Resources.

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

The seaward boundary of the property fronts the ocean, and a  
seawall straddles the seaward boundary of the property and  
submerged public land, which is state-owned and identified by tax  
map key number (1) 8-4-005:002 seaward of parcel 2.

A portion of the seawall encroaches into the state-owned  
submerged land. The area of the seawall comprises approximately  
one hundred thirty-one square feet and comprises a portion of the  
state-owned submerged land. The character of use of the easement



is the right, privilege, and authority to use, maintain, repair, replace, and remove the seawall over, under, and across state-owned land.

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 S.C.R. No. 105 and recommends that it be referred to the Committee on Ways and Means.

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



MALAMA SOLOMON, Chair



The Senate  
 Twenty-Seventh Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Water and Land**  
**WTL**

Bill / Resolution No.:* <b>SCR 105</b>	Committee Referral: <b>WTL, WAM</b>	Date: <b>3/28/13</b>		
<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				
<b>Members</b>	<b>Aye</b>	<b>Aye (WR)</b>	<b>Nay</b>	<b>Excused</b>
SOLOMON, Malama (C)	✓			
SHIMABUKURO, Maile S.L. (VC)	✓			
DELA CRUZ, Donovan M.				✓
IHARA, Jr., Les	✓			
RUDERMAN, Russell E.	✓			
THIELEN, Laura H.	✓			
SLOM, Sam	✓			
<b>TOTAL</b>	<b>6</b>			<b>1</b>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
<b>Distribution:</b> Original     Yellow     Pink     Goldenrod File with Committee Report   Clerk's Office   Drafting Agency   Committee File Copy				

\*Only one measure per Record of Votes