

STAND. COM. REP. NO. **3702**

Honolulu, Hawaii

APR 25 2016

RE: H.C.R. No. 58  
S.D. 1

Honorable Ronald D. Kouchi  
President of the Senate  
Twenty-Eighth State Legislature  
Regular Session of 2016  
State of Hawaii

Sir:

Your Committee on Ways and Means, to which was referred  
H.C.R. No. 58 entitled:

"HOUSE CONCURRENT RESOLUTION AUTHORIZING AMENDMENT OF  
PERPETUAL NON-EXCLUSIVE EASEMENT FOR MAINTENANCE AND REPAIR  
OF EXISTING SEAWALL AND LANDSCAPING OF EASEMENT AREA AT  
LAHAINA ON THE ISLAND OF MAUI,"

begs leave to report as follows:

The purpose and intent of this measure is to authorize the  
amendment of a perpetual non-exclusive easement for maintenance  
and repair of an existing seawall and landscaping of an easement  
area at Lahaina on the island of Maui.

For purposes of holding a public hearing on this measure,  
your Committee prepared and circulated a proposed Senate Draft 1  
of this measure that deleted the measure's contents and title  
and replaced it with the contents of House Concurrent Resolution  
No. 88, Senate Draft 1, authorizing the issuance of a term, non-  
exclusive easement covering a portion of state submerged lands  
fronting the property identified as tax map key: (2) 4-8-003:  
seaward of 006, Olowalu, Lahaina, Maui, Hawaii, for the  
construction of a boulder fill revetment to protect Honoapiilani  
Highway from damage due to shoreline erosion.



Your Committee received testimony in support of the proposed Senate Draft 1 from the Department of Transportation and Department of Land and Natural Resources.

Your Committee received testimony in opposition to the proposed Senate Draft 1 from The Hawaii Association for Marine Education and Research, Inc.

Your Committee finds that portions of Honoapiilani Highway are being negatively impacted by shoreline erosion in the area of Olowalu, Lahaina, Maui. The Highways Division of the Department of Transportation has requested an easement on unencumbered state lands adjacent to the highway to allow for the construction of a boulder fill revetment along a 900-foot section of the seaward side of the highway, outside of the highway right of way, to protect the highway from damage due to shoreline erosion.

Your Committee further finds that on April 11, 2014, the Board of Land and Natural Resources approved conservation district use application MA-3708 for the subject project and, on August 14, 2015, approved the grant of a term, non-exclusive easement for sixty-five years to account for the use of government lands that the newly constructed boulder fill revetment will encumber.

Your Committee also finds that section 171-53, Hawaii Revised Statutes, requires the prior approval of the Governor and prior authorization of the Legislature by concurrent resolution to lease state submerged lands.

Accordingly, your Committee has amended this measure by adopting the proposed Senate Draft 1.

Your Committee notes that The Hawaii Association for Marine Education and Research submitted written testimony that raised concerns about environmental issues related to seawalls. Accordingly, your Committee requests the Department of Transportation to work with stakeholders regarding those concerns.

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 H.C.R. No. 58, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 58, S.D. 1.



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

  
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JILL N. TOKUDA, Chair



