

Honolulu, Hawaii

**MAR 10 2016**

RE: S.C.R. No. 17  
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 Water, Land, and Agriculture, to which was referred S.C.R. No. 17 entitled:

"SENATE CONCURRENT RESOLUTION AUTHORIZING THE ISSUANCE OF A TERM, NON-EXCLUSIVE EASEMENT COVERING PORTION OF STATE SUBMERGED LANDS AT MAKAHA, WAIANAЕ, OAHU, FOR THE MAINTENANCE AND REPAIR OF THE EXISTING SEAWALL, AND FOR USE, REPAIR, AND MAINTENANCE OF THE EXISTING IMPROVEMENTS CONSTRUCTED THEREON, "

begs leave to report as follows:

The purpose and intent of this measure is to authorize the issuance of a term, non-exclusive easement for the portion of state submerged lands fronting the property identified as tax map key: (1) 8-4-005: seaward of 002, Makaha, Waianae, Oahu, for the repair and maintenance of the existing seawall and the use, repair, and maintenance of the existing improvements constructed thereon, pursuant to section 171-53, Hawaii Revised Statutes.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources and Ho'omana Pono, LLC.

Your Committee finds that, pursuant to section 171-53, Hawaii Revised Statutes, the Board of Land and Natural Resources may lease submerged lands with the prior approval of the Governor and the prior authorization of the Legislature by concurrent resolution. Your Committee further finds that on January 11, 2013, the Board of Land and Natural Resources approved a grant of



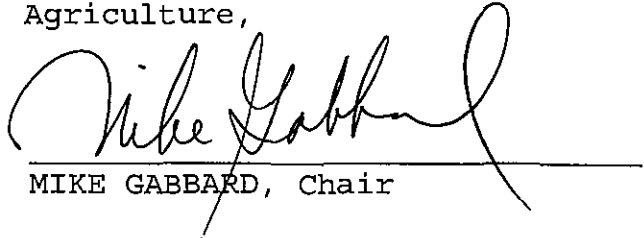
a fifty-five year non-exclusive easement to resolve the encroachment of the existing seawall identified in this measure, subject to certain conditions. Your Committee concludes that the easement is necessary for the use, repair, and maintenance of the existing seawall and improvements constructed thereon.

Your Committee has amended this measure by:

- (1) Specifying that the grantee is required to pay \$7,351 for the entire three hundred twenty-one foot encroachment area, as consideration for the use of public lands, rather than the fair market value of the additional encroachment area to be determined by an independent appraisal; and
- (2) Making technical, nonsubstantive amendments, including in the title, for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Water, Land, and Agriculture that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 17, as amended herein, and recommends that it be referred to your Committee on Ways and Means, in the form attached hereto as S.C.R. No. 17, S.D. 1.

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

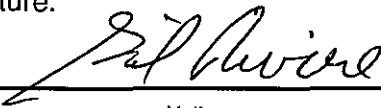


MIKE GABBARD, Chair



The Senate  
 Twenty-Eighth Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Water, Land, and Agriculture**  
**WLA**

Bill / Resolution No.:*	Committee Referral:	Date:
SCR17	WLA, WAM	03-02-16
<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 type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313		
Members	Aye	Aye (WR)
Nay	Excused	
GABBARD, Mike (C)	X	
NISHIHARA, Clarence K. (VC)		X
DELA CRUZ, Donovan M.		X
RIVIERE, Gil	X	
RUDERMAN, Russell E.		X
SHIMABUKURO, Maile S.L.	X	
THIELEN, Laura H.	X	
WAKAI, Glenn	X	
SLOM, Sam		X
<b>TOTAL</b>	5	0
0	0	4
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