

STAND. COM. REP. NO. 3408

Honolulu, Hawaii

APR 07 2016

RE: S.C.R. No. 45
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. 45 entitled:

"SENATE 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 the portion of state submerged lands fronting the property identified as tax map key: (2) 4-4-001: seaward of 055, Lahaina, Maui, for maintenance and repair of the existing seawall and landscaping 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.

Your Committee finds that, pursuant to section 171-53, Hawaii Revised Statutes, the Board of Land and Natural Resources may lease state 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 February 23, 1990, the Board of Land and Natural Resources authorized the direct sale of a perpetual non-exclusive easement for the maintenance and repair of an existing seawall and for landscaping purposes on the land identified in this measure. Since the issuance of the easement, nine hundred forty-three

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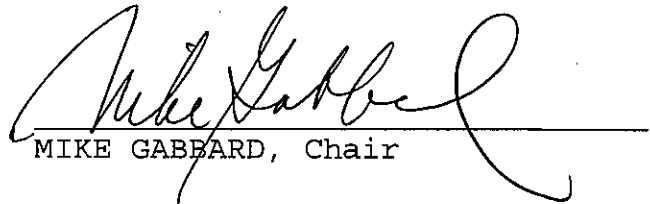


square feet of the seawall, previously unexposed, has become visible. On August 9, 2013, the Board of Land and Natural Resources authorized the amendment of the perpetual non-exclusive easement to include the additional exposed area, subject to conditions. Your Committee concludes that the amendment to the easement is necessary for the maintenance and repair of the existing seawall and landscaping constructed thereon.

Your Committee has amended this measure by 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, Land, and Agriculture that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 45, as amended herein, and recommends its adoption in the form attached hereto as S.C.R. No. 45, 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:		
SCR 45	WLA	April 4, 2016		
<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)	/			
NISHIHARA, Clarence K. (VC)	/			
DELA CRUZ, Donovan M.				/
RIVIERE, Gil	/			
RUDERMAN, Russell E.	/			
SHIMABUKURO, Maile S.L.	/			
THIELEN, Laura H.				/
WAKAI, Glenn				/
SLOM, Sam				/
TOTAL	5			4
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes