

STAND. COM. REP. NO. **2837**

Honolulu, Hawaii

MAR 10 2016

RE: S.C.R. No. 7

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. 7 entitled:

"SENATE CONCURRENT RESOLUTION AUTHORIZING THE ISSUANCE OF A TERM, NON-EXCLUSIVE EASEMENT COVERING A PORTION OF STATE SUBMERGED LANDS AT WAIOHULI-KEOKEA (KIHEI), WAILUKU, MAUI, HAWAII, FOR THE USE, MAINTENANCE, AND REPAIR OF THE EXISTING SEAWALL 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 fronting Apartments A and B of the 1688 Halama Street Condominium, also identified as tax map key: (2) 3-9-11:8 (Parcel 8), situated in Waiohuli-Keokea (Kihei), Wailuku, Maui, for the use, maintenance, and repair of the existing seawall 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; Ho'omana Pono, LLC; and Merchant Horovitz LLC.

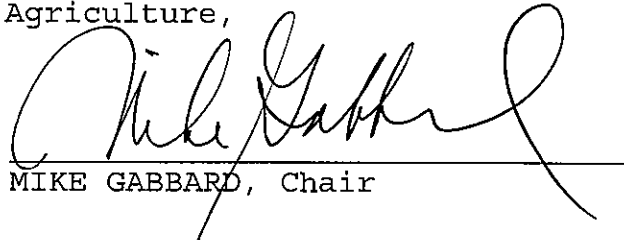
Your Committee finds that, pursuant to section 171-53, Hawaii Revised Statutes, the Board of Land and Natural Resources may lease submerged lands with the prior approval of the Governor and the prior authorization of the Legislature by concurrent resolution.



Your Committee further finds that the Board of Land and Natural Resources approved a perpetual easement for Parcel 8 on August 10, 1990. The easement was appraised as of September 30, 1991, and the owner paid the appraised value and administrative costs on June 23, 1992. However, the formal easement document was never finalized for unknown reasons. The parcels were subsequently sold and the new owners submitted a request for formal approval of the easement on January 22, 2015. On May 8, 2015, the Board of Land and Natural Resources approved the formal granting of the portion of the easement fronting Parcel 8, for a term of sixty-five years, commencing August 10, 1990, subject to certain conditions. Your Committee concludes that the easement is necessary for the use, repair, and maintenance of the existing seawall.

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. 7 and recommends that it be referred to your Committee on Ways and Means.

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:		
SCR7	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 checked="" type="checkbox"/> Pass, unamended 2312 <input 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			X <i>HR</i>
SHIMABUKURO, Maile S.L.	X			
THIELEN, Laura H.	X			
WAKAI, Glenn	X			
SLOM, Sam				X
TOTAL	5	0	0	4
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <div style="text-align:center; font-family: cursive; font-size: 1.2em;">Bill Brown</div>				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes