

STAND. COM. REP. NO. 3260

Honolulu, Hawaii

MAR 3 1 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 Ways and Means, 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
Board of Land and Natural Resources to formalize a previously
approved term, non-exclusive easement covering a portion of state
submerged lands fronting Apartments A and B of the 1688 Halama
Street Condominium, also identified as Tax Map Key: (2) 3-9-11:8,
and seaward, situated at Waiohuli-Keokea (Kihei), Wailuku, Maui,
Hawaii, for the use, maintenance, and repair of the existing
seawall constructed thereon.

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

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

Your Committee also finds that an existing seawall fronting
the property identified as Tax Map Key: (2) 3-9-11:8, and seaward,
situated at Waiohuli-Keokea (Kihei), Wailuku, Maui was placed

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partially on state submerged lands. At its meeting on August 10, 1990, the Board of Land and Natural Resources granted the previous owners of the property that the seawall fronts a perpetual easement permitting the use, repair, and maintenance of this seawall.

Your Committee further finds that despite administrative approval and the payment of necessary fees, the formal easement document, for reasons unknown, was not finalized. Ownership of the property has changed hands since initial approval of the easement. At its meeting on May 8, 2015, the Board of Land and Natural Resources approved the request of the current owners of the property, the Association of Apartment Owners of the 1688 Halama Street Condominium, for a term, non-exclusive easement for a term of sixty-five years, commencing August 10, 1990.

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 S.C.R. No. 7 and recommends its adoption.

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



JILL N. TOKUDA, Chair



The Senate
 Twenty-Eighth Legislature
 State of Hawai'i

Record of Votes
Committee on Ways and Means
WAM

Bill / Resolution No.:* <i>SCR 7</i>	Committee Referral: <i>WLA, WAM</i>	Date: <i>3-16-2016</i>		
<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
TOKUDA, Jill N. (C)	/			
DELA CRUZ, Donovan M. (VC)	/			
CHUN OAKLAND, Suzanne	/			
ENGLISH, J. Kalani	/			
GALUTERIA, Brickwood				/
HARIMOTO, Breene				/
INOUYE, Lorraine R.	/			
RIVIERE, Gil				/
TANIGUCHI, Brian T.				/
WAKAI, Glenn	/			
SLOM, Sam	/			
TOTAL	<i>7</i>			<i>4</i>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <i>J. Kalani English</i>				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes