

STAND. COM. REP. NO.

1658

Honolulu, Hawaii

APR 19 2017

RE: H.C.R. No. 26
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Twenty-Ninth State Legislature
Regular Session of 2017
State of Hawaii

Sir:

Your Committee on Water and Land, to which was referred
H.C.R. No. 26 entitled:

"HOUSE CONCURRENT RESOLUTION AUTHORIZING THE AMENDMENT OF A
TERM, NON-EXCLUSIVE EASEMENT COVERING A PORTION OF STATE
SUBMERGED LANDS AT KAILUA, KOOLAUPOKO, OAHU, FOR THE SEAWALL
AND BOAT RAMP, AND FOR THE 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
amendment of a term, non-exclusive easement for the portion of
state submerged lands fronting the property identified as tax map
key: (1) 4-3-005: seaward of 094, Kailua, Koolauoko, Oahu, for
the maintenance and repair of the existing seawall and boat ramp,
and for 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.

Your Committee finds that, pursuant to section 171-53, Hawaii
Revised Statutes, the Board of Land and Natural Resources (Board)
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 June 4, 2004,



under agenda item D-6, the Board approved a grant of a fifty-five-year non-exclusive easement to resolve the encroachments of the seawall and boat ramp identified in this measure. Since the issuance of the easement, a subsequent survey has shown the shoreline boundary to be further mauka, which resulted in an additional encroachment area of 328 square feet. On May 27, 2016, under agenda item D-13, the Board authorized the amendment of the easement by incorporating the additional encroachment area subject to an additional payment of \$33,584, based on the pro-rated value of the easement. Your Committee concludes that the amendment to the easement is necessary for the maintenance and repair of the existing seawall and boat ramp, and for the use, repair, and maintenance of the existing improvements constructed thereon.

Your Committee has amended this measure by:

- (1) Clarifying that the owner of the property is the Elizabeth Rice Grossman Family Trust;
- (2) Making a technical, nonsubstantive amendment to the title for the purposes of clarity and consistency; and
- (3) Making other 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 and Land that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 26, as amended herein, and recommends that it be referred to your Committee on Ways and Means, in the form attached hereto as H.C.R. No. 26, S.D. 1.

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

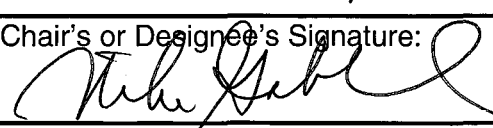


KARL RHOADS, Chair



The Senate
 Twenty-Ninth Legislature
 State of Hawai'i

Record of Votes
Committee on Water and Land
WTL

Bill / Resolution No.:*	Committee Referral:	Date:		
HCR 26	WTL, WAM	04-12-2017		
<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
RHOADS, Karl (C)	✓			
GABBARD, Mike (VC)	✓			
INOUYE, Lorraine R.				✓
KIM, Donna Mercado	✓			
THIELEN, Laura H.				✓
TOTAL	3	—	—	2
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
				
Distribution:				
Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency	Goldenrod Committee File Copy	

*Only one measure per Record of Votes