

STAND. COM. REP. NO.

1659

Honolulu, Hawaii

APR 19 2017

RE: H.C.R. No. 27
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. 27 entitled:

"HOUSE CONCURRENT RESOLUTION AUTHORIZING THE ISSUANCE OF A
TERM, NON-EXCLUSIVE EASEMENT COVERING PORTION OF STATE
SUBMERGED LANDS AT WAIMANALO, KOOLAUPOKO, OAHU, FOR THE
MAINTENANCE AND REPAIR OF THE EXISTING PIER, 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 a portion of state
submerged lands identified as tax map key: (1) 4-1- 001:seaward
of 011, Waimanalo, Koolaupoko, Oahu, for the maintenance and
repair of an existing pier, and for 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 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 13,



2017, under agenda item D-14, the Board of Land and Natural Resources approved a grant of a fifty-five-year non-exclusive easement to resolve the encroachment of the pier identified in this measure, subject to the easement grantee paying the State the fair market value of the easement as determined by an independent appraisal. Your Committee concludes that the easement is necessary for the maintenance and repair of the existing pier and for use, repair, and maintenance of the existing improvements constructed thereon.

Your Committee has amended this measure by:

- (1) Clarifying that Mr. Muller was acting as trustee of the C. Michael Muller Trust when he expressed an interest in converting the revocable permit to a long-term easement; and
- (2) Making a technical, nonsubstantive amendment to the title 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. 27, 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. 27, S.D. 1.

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

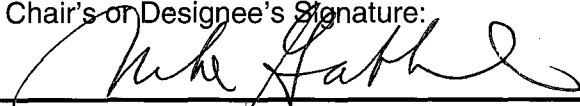


KARL RHOADS, Chair



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 27	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	Yellow	Pink	Goldenrod	
File with Committee Report	Clerk's Office	Drafting Agency	Committee File Copy	

*Only one measure per Record of Votes