

STAND. COM. REP. NO.

1660

Honolulu, Hawaii

APR 19 2017

RE: H.C.R. No. 60  
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. 60 entitled:

"HOUSE CONCURRENT RESOLUTION AUTHORIZING THE AMENDMENT OF A  
TERM, NON-EXCLUSIVE EASEMENT COVERING A PORTION OF STATE  
SUBMERGED LANDS AT MAUNALUA, HONOLULU, OAHU, FOR THE  
MAINTENANCE AND REPAIR OF PORTIONS OF THE EXISTING CHANNEL,  
CONCRETE SURGE BREAK OR BREAKWATER, SEAWALL, STEP, AND FILLED  
LAND, 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  
amendment of a term, non-exclusive easement for the portion of  
state submerged lands fronting the property identified as tax map  
key: (1) 3-9-026: seaward of 044, 045, and 048, Maunalua,  
Honolulu, Oahu, for the maintenance and repair of the existing  
channel, concrete surge break or breakwater, seawall, step, and  
filled land, and for use, repair, and maintenance of the existing  
improvements constructed thereon.

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 November 16, 2001, under agenda item D-13, the Board approved a grant of a fifty-five-year non-exclusive easement to resolve the encroachments of the channel, concrete surge break or breakwater, seawall, and filled land identified in this measure. On April 25, 2008, under agenda item D-11, the Board approved an amendment to the easement to add square footage to the easement area, insert "step" as part of the purposes of the easement, and allow the easement to run with the abutting parcels.

Your Committee finds that a subsequent shoreline certification process in 2015 has shown an additional encroachment area of 3,503 square feet, more or less. On May 8, 2015, under agenda item D-14, the Board authorized the amendment of the easement by incorporating the additional encroachment area subject to an additional payment to the State of the fair market value of the easement as determined by an independent appraisal; the appraisal has since been completed, and the fair market value of the easement is \$130,000. Your Committee concludes that the easement is necessary for the maintenance and repair of the existing channel, concrete surge break or breakwater, seawall, step, and filled land, and for use, repair, and maintenance of the existing improvements constructed thereon.

Accordingly, your Committee has amended this measure by:

- (1) Clarifying that on November 16, 2001, the Board approved a grant of a fifty-five-year easement to Evershine VIII, L.P.;
- (2) Clarifying that the easement was issued in October 2003 for a lump sum payment of \$58,000;
- (3) Inserting the Board actions on January 14, 2005, consenting to the assignment of the subject easement from Evershine VIII, L.P. to Evershine II, L.P. and on April 25, 2008, authorizing the amendment of the easement to add square feet to the easement area, insert "step" as part of the purpose of the easement, and allow the easement to run with the land;



- (4) Correcting the additional area of the encroachment to be 3,503 square feet, more or less, pursuant to testimony received from the Department of Land and Natural Resources;
- (5) Inserting the Board action on May 8, 2015, approving an amendment to the easement by incorporating the additional encroachment area subject to payment of an additional consideration assessed at fair market value;
- (6) Amending its title to make a technical, nonsubstantive amendment; and
- (7) 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. 60, 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. 60, S.D. 1.

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



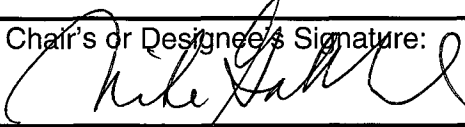
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KARL RHOADS, Chair



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 60	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.				✓
<b>TOTAL</b>	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