

STAND. COM. REP. NO.

1260

Honolulu, Hawaii

MAR 29 2017

RE: S.C.R. No. 120

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
S.C.R. No. 120 entitled:

"SENATE 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, & 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 and Evershine
II, L.P. Your Committee received testimony in opposition to this
measure from the Hawaii Audubon Society and Concerned Citizens of
Hawaii Kai.



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.

Your Committee notes that the abutting property-owner reports that it is in compliance with its special management area permit regarding the pedestrian footbridge requirements, that the footbridge is currently in use and in good condition and repair, and that the property-owner intends to keep and maintain the footbridge in good condition and repair.

Your Committee has amended this measure by:

- (1) 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;



- (2) Amending its title to make a technical, nonsubstantive amendment; and
- (3) Making 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 S.C.R. No. 120, as amended herein, and recommends that it be referred to your Committee on Ways and Means, in the form attached hereto as S.C.R. No. 120, S.D. 1.

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



KARL RHOADS, Chair



