

STAND. COM. REP. NO.

917

Honolulu, Hawaii

MAR 15 2017

RE: S.C.R. No. 41

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. 41 entitled:

"SENATE CONCURRENT RESOLUTION AUTHORIZING THE ISSUANCE OF A
SIXTY-FIVE YEAR TERM, NON-EXCLUSIVE EASEMENT FOR REPAIR AND
MAINTENANCE OF THE EXISTING SEAWALL SEAWARD OF AND FRONTING
TAX MAP KEY NUMBER: (2) 3-9-11:7; WAIOHULU-KEOKEA HOMESTEADS
AND BEACH LOTS, WAIOHULU-KEOKEA (KIHEI), WAILUKU, MAUI,
HAWAII,"

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 the portion of
state submerged lands fronting the property identified as tax map
key: (2) 3-9-11:7, seaward of lot 7, Waiohuli-Keokea Homesteads
and Beach Lots, Waiohuli-Keokea (Kihei) Wailuku, Maui, Hawaii, for
the maintenance and repair of the existing seawall 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
received testimony in opposition to this measure from one
individual.

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 April 22, 2016, the Board of Land and Natural Resources approved a grant of a sixty-five-year non-exclusive easement, commencing on August 10, 1990, to:

- (1) Finalize a prior approved easement to resolve the encroachment of the seawall identified in this measure that was never formally executed, subject to certain conditions;
- (2) Update the applicant of the easement to reflect the current owner; and
- (3) Reduce the term of the easement from perpetual to sixty-five years.

Your Committee concludes that the easement is necessary for the repair and maintenance of the existing seawall.

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. 41 and recommends that it be referred to your Committee on Ways and Means.

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



KARL RHOADS, Chair



