

STAND. COM. REP. NO.

1171

Honolulu, Hawaii

MAR 29 2017

RE: S.C.R. No. 79  
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. 79 entitled:

"SENATE CONCURRENT RESOLUTION AUTHORIZING THE ISSUANCE OF A  
FIFTY-FIVE YEAR TERM, NON-EXCLUSIVE EASEMENT COVERING A  
PORTION OF STATE SUBMERGED LANDS AT WAIPOULI, KAWAIHAU,  
KAUAI, FOR A PORTION OF A SEAWALL 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  
issuance of a term, non-exclusive easement for the portion of  
state submerged lands fronting the property identified as tax map  
key: (4) 4-3-009: seaward of 001, Waipouli, Kawaihau, Kauai, for  
the maintenance and repair of the existing seawall, and for the  
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 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 May 9, 2014,



under agenda item D-1, as subsequently amended at a meeting on October 24, 2014, the Board of Land and Natural Resources approved a grant of a fifty-five-year non-exclusive easement to resolve the encroachments of the seawall identified in this measure. Your Committee notes that the fair market value of the easement is \$25,200 as determined by an independent appraisal, and that the current property owner has remitted payment of \$25,255, inclusive of fees, to the State for the grant of easement. Your Committee concludes that the easement is necessary for the maintenance and repair of the existing seawall, and for the use, repair, and maintenance of the existing improvements thereon.

Your Committee has amended this measure by:

- (1) Correcting the date of the meeting of the Board of Land and Natural Resources from May 19, 2014, to May 9, 2014, pursuant to testimony received from the Department of Land and Natural Resources; and
- (2) Amending its title to make a technical, nonsubstantive amendment.

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. 79, 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. 79, S.D. 1.

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



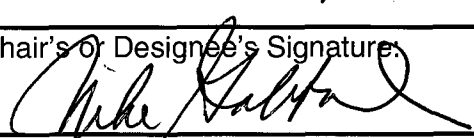
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KARL RHOADS, Chair



The Senate  
 Twenty-Ninth Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Water and Land**  
**WTL**

Bill / Resolution No.:*	Committee Referral:	Date:		
SC02 79	WTL, WAM	03-29-2017		
<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