

STAND. COM. REP. NO. 2939

Honolulu, Hawaii

MAR 08 2018

RE: S.C.R. No. 2
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Twenty-Ninth State Legislature
Regular Session of 2018
State of Hawaii

Sir:

Your Committee on Water and Land, to which was referred
S.C.R. No. 2 entitled:

"SENATE CONCURRENT RESOLUTION AUTHORIZING THE ISSUANCE OF A
TERM, NON-EXCLUSIVE EASEMENT COVERING A PORTION OF STATE
SUBMERGED LANDS AT WAIANAЕ, OAHU, FOR THE EXISTING SEAWALL,
STEPS, AND LANDSCAPED AREA 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 provide
legislative authorization for the issuance of a term, non-exclusive
easement covering a portion of state submerged lands at Waianae,
Oahu by the Board of Land and Natural Resources for the existing
seawall, steps, and landscaped area 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 six
individuals. Your Committee received testimony in opposition to
this measure from Ho'omanapono Political Action Committee.

Your Committee finds that an existing seawall, steps, and
landscaped area identified as Tax Map Key: (1) 8-7-023: seaward
of 044, Waianae, Oahu, are placed on state submerged lands. In
December 2016, the owner of the abutting property worked with the



Department of Land and Natural Resources to resolve the encroachment, and the Department approved a grant of a fifty-five-year term, non-exclusive easement to run with the land and to inure to the benefit of the abutting property to resolve the encroachment. The term, non-exclusive easement will cover about 391 square feet, and the current owner is expected to pay the State the fair market value of the easement as consideration for the use of public lands. The amount of consideration will be determined by an independent appraiser. Since the Board of Land and Natural Resources has met all statutory prerequisites, this measure authorizes the amendment of a term, non-exclusive easement in accordance with section 171-53, Hawaii Revised Statutes.

Your Committee has amended this measure by inserting language stating that during the Department of Land and Natural Resources' review process, the Department of Planning and Permitting of the City and County of Honolulu requested that the current owner of the abutting property remove wooden and chain link fences from atop the seawall, which the owner has reported have been removed.

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. 2, 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. 2, S.D. 1.

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

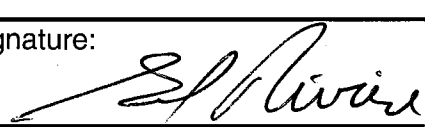


KARL RHOADS, Chair



The Senate
 Twenty-Ninth Legislature
 State of Hawai'i

Record of Votes
Committee on Water and Land
WTL

Bill / Resolution No.:*	Committee Referral:	Date:		
SCR 2	WTL, WAM	FEB. 28, 2018		
<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)	X			
GABBARD, Mike (VC)				X
INOUYE, Lorraine R.	X			
RIVIERE, Gil	X			
THIELEN, Laura H.				X
TOTAL	3	0	0	2
Recommendation:				
<input checked="" type="checkbox"/> Adopted		<input type="checkbox"/> Not Adopted		
Chair's or Designee's Signature:				
				
Distribution:				
Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency	Goldenrod Committee File Copy	

*Only one measure per Record of Votes