

STAND. COM. REP. NO.

3325

Honolulu, Hawaii

MAR 28 2018

RE: S.C.R. No. 39
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. 39 entitled:

"SENATE CONCURRENT RESOLUTION AUTHORIZING THE ISSUANCE OF A
TERM, NON-EXCLUSIVE EASEMENT COVERING A PORTION OF STATE
SUBMERGED LANDS AT HEEIA, KOOLAUPOKO, OAHU, FOR THE EXISTING
SEAWALL 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
Heeia, Koolaupoko, Oahu, by the Board of Land and Natural
Resources (Board) for the existing seawall and landscaped area 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 one
individual.

Your Committee finds that an existing seawall and landscaped
area identified as Tax Map Key: (1) 4-6-001: seaward of 019,
Heeia, Koolaupoko, Oahu, are placed upon state submerged lands.
This unauthorized seawall was constructed on accreted state lands



in 1978. A previous owner of the abutting property worked with the Department of Land and Natural Resources (Department) to initially resolve the problem in 1981, but an after-the-fact Conservation District Use Application was denied by the Board without prejudice for further investigation into the possibility of any land use violation that may exist in addition to the seawall. Nothing further was done to legalize the seawall until 2014, when the current owner of the abutting property worked with the Department to resolve the encroachments and the Board approved the after-the-fact Conservation District Use Application for the seawall at its November 2017 meeting.

Your Committee further finds that the Board subsequently approved a grant of a fifty-five year term, non-exclusive easement to resolve the encroachments. The term, non-exclusive easement covers approximately 1,379 square feet, which will be reviewed and approved by the Department of Accounting and General Services' Survey Division. The grantee will pay the State the fair market value of the easement as consideration for the use of public lands to be determined by an independent appraiser. Since the Board has met all statutory prerequisites, this measure authorizes the issuance of a term, non-exclusive easement in accordance with section 171-53, Hawaii Revised Statutes.

Your Committee has amended this measure by:

- (1) Adding language regarding the history of the existing seawall, including that:
 - (A) The seawall is an unauthorized seawall constructed on accreted state lands in 1978 by a previous owner;
 - (B) The Board denied the after-the-fact Conservation District Use Application in 1982 for further investigation of other possible land use violations; and
 - (C) The Board approved the after-the-fact Conservation District Use Application in 2017; and
- (2) 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. 39, 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. 39, S.D. 1.

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



KARL RHOADS, Chair



