

STAND. COM. REP. NO.

**3326**

Honolulu, Hawaii

**MAR 28 2018**

RE: S.C.R. No. 45  
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. 45 entitled:

"SENATE CONCURRENT RESOLUTION AUTHORIZING THE ISSUANCE OF A  
NON-EXCLUSIVE EASEMENT COVERING A PORTION OF STATE SUBMERGED  
LANDS AT PUAMANA, LAHAINA, MAUI, FOR VARIOUS SEAWALL  
STRUCTURES, A CONCRETE GROIN, AND REVETMENT FOOTINGS OF A  
HISTORIC SWIMMING POOL,"

begs leave to report as follows:

The purpose and intent of this measure is to provide  
legislative authorization for the issuance of a non-exclusive  
easement covering a portion of state submerged lands at Puamana,  
Lahaina, Maui, by the Board of Land and Natural Resources for  
various seawall structures, a concrete groin, and revetment  
footings of a historic swimming pool.

Your Committee received testimony in support of this measure  
from the Department of Land and Natural Resources and Puamana  
Community Association. Your Committee received testimony in  
opposition to this measure from three individuals.

Your Committee finds that various encroachments fronting the  
property identified as Tax Map Key: (2) 4-6-028:001, Puamana,  
Lahaina, Maui, are placed on state submerged lands. The owner of  
the property obtained a fully executed grant of a term, non-  
exclusive easement, dated March 3, 2014, for a total of five



shoreline encroachments for the seawall structures, the concrete groin, and the revetment footings of the historic swimming pool, which, at that time, had an area of 1,895 square feet.

Your Committee further finds that subsequent to issuance of the term, non-exclusive easement, the shoreline moved further mauka and increased the amount of structures located on state submerged lands. Thus, the Board of Land and Natural Resources approved an amendment of the term, non-exclusive easement granted in 2014 to incorporate the additional encroachment area of 3,470 square feet, resulting in a combined easement area of 5,365 square feet. The owner will pay the State the fair market value of the easement as consideration of the use of public lands to be determined by an independent appraisal. Since the Board of Land and Natural Resources has met all relevant statutory prerequisites, this measure authorizes the issuance of a term, non-exclusive easement, as amended, in accordance with section 171-53, Hawaii Revised Statutes.

Your Committee has amended this measure by:

- (1) Amending its title and making another conforming amendment to reflect that the term, non-exclusive easement has been amended by the Board of Land and Natural Resources;
- (2) Inserting language that the combined square footage of the term, non-exclusive easement has been reviewed and approved by the Department of Accounting and General Services' Survey Division; and
- (3) Making a technical, nonsubstantive amendment 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. 45, 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. 45, S.D. 1.



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



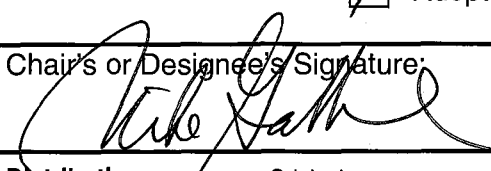
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KARL RHOADS, Chair



The Senate  
 Twenty-Ninth Legislature  
 State of Hawai'i

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

Bill / Resolution No.:*	Committee Referral:	Date:		
SCR 45	WTL, WAM	3/23/2018		
<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)	✓			
GABBARD, Mike (VC)	✓			
INOUE, Lorraine R.				✓
RIVIERE, Gil	✓			
THIELEN, Laura H.	✓			
<b>TOTAL</b>	4	—	—	1
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