

Honolulu, Hawaii

MAR 28 2018

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

"SENATE CONCURRENT RESOLUTION AUTHORIZING THE ISSUANCE OF A
TERM, NON-EXCLUSIVE EASEMENT AND ISSUANCE OF IMMEDIATE RIGHT
OF ENTRY COVERING A PORTION OF STATE LAND AT KAAPALI,
LAHAINA, MAUI, FOR BEACH WALK, TRENCH DRAIN, SIGN, AND PUBLIC
BEACH SHOWER PURPOSES,"

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 and issuance of immediate right of entry
covering a portion of state land at Kaanapali, Lahaina, Maui, by
the Board of Land and Natural Resources for beach walk, trench
draining, sign, and public beach shower purposes.

Your Committee received testimony in support of this measure
from the Department of Land and Natural Resources and one
individual.

Your Committee finds that the encroachments fronting the
property identified as Tax Map Key: (2) 4-4-013: seaward of 006
and 008, Kaanapali, Lahaina, Maui, are placed on state submerged
lands. The current owner of the abutting property worked with the
Department of Land and Natural Resources to resolve the
encroachments, and the Department subsequently approved the direct



issuance of a fifty-five-year term, non-exclusive easement and issuance of immediate right of entry on January 27, 2017. The easement authorized the grantee the right, privilege, and authority to use, maintain, repair, replace, and remove the existing beach walk, trench drain, sign, and public beach shower over, under, and across state owned land.

Your Committee further finds that the total encroachment area is approximately 1,776 square feet, which is subject to review and approval by the Department of Accounting and General Services' Survey Division. The grantee shall pay the State the fair market value of the easement as consideration of the use of public lands to be determined by an independent appraiser. 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 in accordance with section 171-53, Hawaii Revised Statutes.

Your Committee has amended this measure by:

- (1) Inserting language that the subject area of the term, non-exclusive easement is subject to review and approval by the Department of Accounting and General Services' Survey Division;
- (2) Inserting language that the grantee shall pay the State the fair market value of the term, non-exclusive easement as consideration of the use of public lands to be determined by an independent appraiser; and
- (3) 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. 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,



KARL RHOADS, Chair



