STAND. COM. REP. NO.

3815

Honolulu, Hawaii

JUL 0 8 2020

RE: S.C.R. No. 33

Honorable Ronald D. Kouchi President of the Senate Thirtieth State Legislature Regular Session of 2020 State of Hawaii

Sir:

Your Committee on Water and Land, to which was referred S.C.R. No. 33 entitled:

"SENATE CONCURRENT RESOLUTION AUTHORIZING THE ISSUANCE OF TERM, NON-EXCLUSIVE EASEMENTS COVERING PORTIONS OF STATE SUBMERGED LANDS AT WAIOHULI-KEOKEA, WAILUKU, MAUI, FOR THE EXISTING SEAWALL, AND FOR THE USE, MAINTENANCE, AND REPAIR 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 covering a portion of state submerged lands fronting the property identified as Tax Map Key: (2) 3-9-011:seaward of 008, Waiohuli-Keokea, Wailuku, Maui, for the existing seawall and for use, repair, and maintenance of the existing improvements constructed thereon pursuant to section 171-53, Hawaii Revised Statutes.

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 August 25, 2017, under agenda item D-9 as amended, and October 12, 2018, under agenda item D-5, the Board of Land and Natural Resources approved

a grant of a sixty-five year, non-exclusive easement to resolve the encroachment of the existing seawall identified in this measure. Your Committee notes that the grantee will be required to pay the State the fair market value of the 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.

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. 33 and recommends its adoption.

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

KAIALI KAHELE, Chair

The Senate Thirtieth Legislature State of Hawai'i

Record of Votes Committee on Water and Land WTL

| Bill / Resolution No.:* | Committee Referral: | | | Date: | |
|---|---------------------|-----|----------------------|---------------------------------------|---------|
| SCR 33 | WTL, JDC | | | 6126120 | |
| The Committee is reconsidering its previous decision on this measure. | | | | | |
| If so, then the previous decision was to: | | | | | |
| The Recommendation is: | | | | | |
| Pass, unamended Pass, with amendments Hold Recommit 2312 2311 2310 2313 | | | | | |
| Members | | Aye | Aye (WF | R) Nay | Excused |
| KAHELE, Kaiali'i (C) | | X | | | |
| KEITH-AGARAN, Gilbert S.C. (VC) | | | | | X |
| NISHIHARA, Clarence K. | | X | | | |
| RIVIERE, Gil | | × | | | |
| FEVELLA, Kurt | | X | | | |
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| TOTAL | | 4 | 0 | 0 | (. |
| Recommendation: | | | Not Adopted | | |
| Chair's or Designee's Signature: | | | | | |
| Distribution: Original File with Committee Rep | | | Pink rafting Agen | Goldenrod ency Committee File Copy | |

*Only one measure per Record of Votes