STAND. COM. REP. NO. 1717

Honolulu, Hawaii

## APR 19 2021

RE: H.C.R. No. 166

H.D. 2 S.D. 1

Honorable Ronald D. Kouchi President of the Senate Thirty-First State Legislature Regular Session of 2021 State of Hawaii

Sir:

Your Committee on Ways and Means, to which was referred H.C.R. No. 166, H.D. 2, S.D. 1, entitled:

"HOUSE CONCURRENT RESOLUTION AUTHORIZING THE ISSUANCE OF A TERM, NON-EXCLUSIVE EASEMENT COVERING A PORTION OF STATE SUBMERGED LANDS AT KAPAA, KAWAIHAU, KAUAI, FOR CONSTRUCTION OF A SANDBAG GROIN AND FOR USE, REPAIR, AND MAINTENANCE OF THE IMPROVEMENTS CONSTRUCTED THEREON,"

begs leave to report as follows:

The purpose and intent of this measure is to authorize the issuance of an easement for state submerged lands.

More specifically, this measure authorizes the Board of Land and Natural Resources to issue a term, non-exclusive easement covering a portion of state submerged lands fronting property located in Kapaa, Kawaihau, Kauai, for the construction of a sandbag groin and for use, repair, and maintenance of the existing improvements.

Your Committee received written comments in support of this measure from the Department of Land and Natural Resources.

Your Committee finds that section 171-53, Hawaii Revised Statutes, requires the Board of Land and Natural Resources to obtain authorization from the Legislature to engage in disposition

of state submerged lands. The Board has approved the issuance of a revocable permit for a shoreline protection structure, beach nourishment activities, and installation of the sandbag groin on state submerged lands identified as Tax Map Key: (4) 4-3-009: seaward of 041. The association of apartment owners for a property located near the permit area has worked with the Department of Land and Natural Resources to obtain a long-term non-exclusive easement for the sandbag groin. Your Committee further finds that this measure expresses the requisite legislative approval so that an easement may be issued for the use of those state submerged lands.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 166, H.D. 2, S.D. 1, and recommends its adoption.

Respectfully submitted on behalf of the members of the Committee on Ways and Means,

DONOVAN M. DELA CRUZ, Chair

## The Senate Thirty-First Legislature State of Hawaiʻi

## Record of Votes Committee on Ways and Means WAM

Bill / Resolution No.:*	Committee Referral:			Date:	
HCR 166, HD 2, SD 1	WTL, WAM		4	15-2	021
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		Ayg⁄	Aye (WR)	Nay	Excused
DELA CRUZ, Donovan M. (C)		V,			
KEITH-AGARAN, Gilbert S.C. (VC)		V			
ENGLISH, J. Kalani		<b>V</b> /			
INOUYE, Lorraine R.		V/			
KANUHA, Dru Mamo		V		<u></u> _	
KIDANI, Michelle N.					
MORIWAKI, Sharon Y.		<b>V</b>			
SHIMABUKURO, Maile S.L.		//			
TANIGUCHI, Brian T.					
WAKAI, Glenn		V			
FEVELLA, Kurt					
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TOTAL		11			
Recommendation:  Adopted  Not Adopted					
Chair's or Designee's Signature:					
<b>Distribution:</b> Original File with Committee Re	Yellow Pink Goldenrod  oort Clerk's Office Drafting Agency Committee File Copy				

\*Only one measure per Record of Votes