STAND. COM. REP. NO. 1050

Honolulu, Hawaii

MAR 2 2 2021

RE: S.C.R. No. 12

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

Sir:

Your Committee on Water and Land, to which was referred S.C.R. No. 12 entitled:

"SENATE CONCURRENT RESOLUTION AUTHORIZING THE ISSUANCE OF A TERM, NON-EXCLUSIVE EASEMENT COVERING A PORTION OF STATE SUBMERGED LANDS AT KAMAOLE, KULA, MAUI, FOR THE EXISTING RUBBLE ROCK REVETMENT, ROCK WALL, AND TWO CONCRETE STAIRWAYS, AND FOR USE, MAINTENANCE, REPAIR, REPLACEMENT, AND REMOVAL 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 for the portion of state submerged lands fronting the property identified as Tax Map Key: (2) 3-9-005:001, Kamaole, Kula, Maui, for the existing rubble rock revetment, rock wall, and two concrete stairways, and for the use, maintenance, repair, replacement, and removal 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. The rubble rock revetment, rock wall, and two

concrete stairways built in 1980 were originally built entirely in the government beach reserve. However, a portion of the improvements are located on lands makai of the shoreline, on state submerged lands. The encroaching structures will prevent shoreline erosion and mitigate inland flooding associated with large wave and storm events. Removal of the rubble rock revetment would place one of the condominium buildings under immediate threat of erosion, and removal of the stairs could hinder public access.

Your Committee further finds that, on March 10, 2011, under agenda item D-4, the Board of Land and Natural Resources, subject to conditions, unanimously approved a grant of a fifty-five-year non-exclusive easement to resolve the encroachment of the submerged portions, roughly half, of the 18,668 square feet subject area. Your Committee concludes that the easement is necessary for the use, maintenance, repair, replacement, and removal of the existing structures.

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. 12 and recommends that it be referred to your Committee on Ways and Means.

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

LORRAINE R INOUVE Chair

## The Senate Thirty-First Legislature State of Hawai'i

## Record of Votes Committee on Water and Land WTL

Bill / Resolution No.:*	Committee Referral: Date:				
SCR 12	WTL, WAM			3/10/21	
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 (WR)	Nay	Excused
INOUYE, Lorraine R. (C)		X			
KEITH-AGARAN, Gilbert S.C. (VC)		X			
MISALUCHA, Bennette E.		<u> </u>			
RIVIERE, Gil					X
FEVELLA, Kurt		X			
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TOTAL		4			1
Recommendation:  Adopted Not Adopted					
Chair's or Designee's Signature:					
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy					

\*Only one measure per Record of Votes