

STAND. COM. REP. NO.

1054

Honolulu, Hawaii

MAR 22 2021

RE: S.C.R. No. 16
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 Water and Land, to which was referred
S.C.R. No. 16 entitled:

"SENATE CONCURRENT RESOLUTION AUTHORIZING THE ISSUANCE OF
TERM, NON-EXCLUSIVE EASEMENTS COVERING A PORTION OF STATE
SUBMERGED LANDS AT WAIOHULI-KEOKEA (KIHEI), WAILUKU, MAUI,
FOR THE EXISTING SEAWALL, AND FOR 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 term, non-exclusive easements for portions of state
submerged lands fronting the property identified as Tax Map Keys:
(2) 3-9-011:008 CPR 0001 and CPR 0002, Waiohuli-Keokea (Kihei),
Wailuku, Maui, for the existing seawall, and for the use, repair,
and maintenance of 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 and one
individual.

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 in its meetings 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, subject to conditions, approved the grants of sixty-five-year non-exclusive easements of the additional portions of the seawall on state submerged lands, to resolve the approximately nine hundred twenty-eight square feet of seawall encroachments. Your Committee notes that the term of these additional easements is to run with the land and inure to the benefit of the abutting real property. According to testimony received by your Committee, the grantees of the easement have paid fair market consideration to the State in the total amount of \$38,900 for CPR units 0001 and 0002, Waiohuli-Keokea (Kihei), Wailuku, Maui. Your Committee concludes that the easement is necessary for the use, repair, and maintenance of the existing seawall.

Your Committee has amended this measure by:

- (1) Specifying that the grantees have paid fair market consideration to the State in the amount of \$19,700 and \$19,200 for CPR units 0001 and 0002, respectively; and
- (2) 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. 16, 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. 16, S.D. 1.

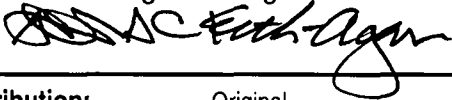
Respectfully submitted on
behalf of the members of the
Committee on Water and Land,


LORRAINE R. INOUYE, Chair



The Senate
 Thirty-First Legislature
 State of Hawai'i

Record of Votes
Committee on Water and Land
WTL

Bill / Resolution No.:* SCR 16	Committee Referral: WTL, WAM	Date: 3/10/21		
<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
INOUE, Lorraine R. (C)	X			
KEITH-AGARAN, Gilbert S.C. (VC)	X			
MISALUCHA, Bennette E.	X			
RIVIERE, Gil				X
FEVELLA, Kurt	X			
TOTAL	4			1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> 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