

STAND. COM. REP. NO.

1648

Honolulu, Hawaii

APR 07 , 2021

RE: S.C.R. No. 87

Honorable Scott K. Saiki  
Speaker, House of Representatives  
Thirty-First State Legislature  
Regular Session of 2021  
State of Hawaii

Sir:

Your Committee on Water & Land, to which was referred S.C.R. No. 87 entitled:

"SENATE CONCURRENT RESOLUTION AUTHORIZING THE ISSUANCE OF A TERM, NON-EXCLUSIVE EASEMENT COVERING A PORTION OF STATE SUBMERGED LANDS AT KUAU, HAMAKUAPOKO, MAUI, FOR THE EXISTING SEAWALL AND CONCRETE STEPS, AND FOR USE, REPAIR, AND MAINTENANCE OF THE EXISTING IMPROVEMENTS CONSTRUCTED THEREON,"

begs leave to report as follows:

The purpose of this measure is to authorize the Board of Land and Natural Resources to issue a term, non-exclusive easement covering portions of state submerged lands at Kuau, Hamakuapoko, Maui, for the existing seawall and concrete steps, and for use, repaid, and maintenance of the existing improvements constructed thereon.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources and Sea & Believe LLC.

Your Committee finds that an existing seawall and concrete steps encroach upon state submerged lands at Kuau, Hamakuapoko, Maui. Your Committee further finds that the Department of Land and Natural Resources has worked with the previous owner, Kahanu Family Limited Partnership, and the current owner, Sea & Believe

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LLC, to resolve the encroachment by granting a term, non-exclusive easement for the seawall. Pursuant to section 171-53(c), Hawaii Revised Statutes, the Legislature must grant prior authorization before any state submerged lands may be leased. This measure authorizes the granting of a term, non-exclusive easement for the portion of identified state submerged lands in Kuau, Hamakuapoko, Maui, that have been encroached upon by the seawall and concrete steps.

As affirmed by the record of votes of the members of your Committee on Water & Land that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 87 and recommends that it be referred to your Committee on Consumer Protection & Commerce.

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



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DAVID A. TARNAS, Chair



*HSCR 1648*

**Record of Votes of the Committee on Water & Land**

<b>Bill/Resolution No.:</b> <i>SCR07</i>	<b>Committee Referral:</b> <i>WAL, CPC</i>	<b>Date:</b> <i>4/6/21</i>		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
<b>The recommendation is to:</b> <input checked="" type="checkbox"/> Pass, unamended (as is) <input type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
WAL Members	Ayes	Ayes (WR)	Nays	Excused
1. TARNAS, David A. (C)	✓			
2. BRANCO, Patrick Pihana (VC)	✓			
3. GANADEN, Sonny	✓			
4. KOBAYASHI, Bertrand	✓			
5. KONG, Sam Satoru	✓			
6. MORIKAWA, Dee	✓			
7. OHNO, Takashi	✓			
8. McDERMOTT, Bob	✓			
<b>TOTAL (8)</b>	<b>8</b>			
<b>The recommendation is:</b> <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <small style="margin-left: 100px;">committee acronym(s)</small>				
<b>Vice Chair's or designee's signature:</b> <i>David Carnas</i>				
<b>Distribution:</b> Original (White) – Committee      Duplicate (Yellow) – Chief Clerk's Office      Duplicate (Pink) – HMSO				