

Honolulu, Hawaii

MAR 15, 2022

RE: H.C.R. No. 3
H.D. 1

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirty-First State Legislature
Regular Session of 2022
State of Hawaii

Sir:

Your Committee on Water & Land, to which was referred H.C.R. No. 3 entitled:

"HOUSE CONCURRENT RESOLUTION AUTHORIZING THE AMENDMENT OF A TERM, NON-EXCLUSIVE EASEMENT COVERING A PORTION OF STATE SUBMERGED LANDS AT WAILUPE, HONOLULU, OAHU, FOR THE EXISTING SEAWALL, 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 an amendment to the term, non-exclusive easement covering an additional portion of state submerged lands fronting the property identified as Tax Map Key: (1) 3-6-003:015, Wailupe, Honolulu, Oahu, 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 notes that the Department of Land and Natural Resources testified that after the discovery of an additional sixteen square foot encroachment in 2007, the Department initially explored canceling the easement and selling the reclaimed land



area to the easement holder in fee, along with an easement for only the submerged land area. However, due to changes in law and departmental policy, the sale of the reclaimed land was never completed and eventually abandoned. The original easement continues to remain in effect and unamended since its initial execution.

Your Committee has amended this measure by:

- (1) Clarifying that this measure authorizes the addition of a portion of state submerged lands to a term, non-exclusive easement covering a portion of state reclaimed lands;
- (2) Amending its title accordingly; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

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 H.C.R. No. 3, as amended herein, and recommends that it be referred to your Committee on Finance in the form attached hereto as H.C.R. No. 3, H.D. 1.

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



DAVID A. TARNAS, Chair



