

Honolulu, Hawaii

MAR 15 , 2022

RE: H.C.R. No. 5

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. 5 entitled:

"HOUSE CONCURRENT RESOLUTION AUTHORIZING THE ISSUANCE OF A TERM, NON-EXCLUSIVE EASEMENT COVERING A PORTION OF STATE SUBMERGED LANDS AT KANEOHE, KOOLAUPOKO, OAHU, FOR THE EXISTING PIER, HOUSE, ROCK WALL, AND LANDSCAPE AREA, 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 a portion of state submerged lands fronting the property identified as Tax Map Key: (1) 4-4-016:016, Kaneohe, Koolauoko, Oahu, for the existing pier, house, rock wall, and landscape area, 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 finds that the existing pier, and portions of the existing house, rock wall, and landscape area fronting the property identified as Tax Map Key: (1) 4-4-016:016 were built makai of the private property on state lands, a portion of which



is submerged. The entire pier was built on state submerged lands, while portions of the house, rock wall, and landscape are on state "fast" lands. State "fast" lands are land areas that are located between the shoreline and private property and are not subject to legislative authorization or the Governor's approval for disposition, but state submerged lands are subject to legislative authorization and the Governor's approval. However, since a single easement will cover the submerged and fast land encroachments, all encroachments are described in this measure.

Your Committee finds that section 171-53, Hawaii Revised Statutes, requires the Board of Land and Natural Resources to obtain prior authorization from the Legislature and prior approval of the Governor to dispose of state submerged lands. This measure expresses the requisite legislative approval for disposition of these lands.

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. 5 and recommends that it be referred to your Committee on Finance.

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



DAVID A. TARNAS, Chair



