

STAND. COM. REP. NO. 3232

Honolulu, Hawaii

MAR 17 2022

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

Honorable Ronald D. Kouchi  
President of the Senate  
Thirty-First State Legislature  
Regular Session of 2022  
State of Hawaii

Sir:

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

"SENATE 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 and intent of this measure is to authorize the  
amendment of a term, non-exclusive easement covering a 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 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 on August 28, 2020,  
under agenda item D-10, the Board of Land and Natural Resources,



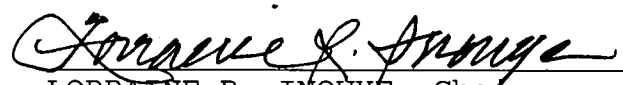
subject to conditions, approved an amendment to the original non-exclusive easement to resolve the additional seawall encroachment identified in this measure.

Your Committee has also heard the concerns from the Department of Land and Natural Resources regarding the easement areas for submerged and reclaimed lands. This measure, as drafted, may not fully clarify the respective easement areas for submerged and reclaimed lands referenced in this measure. To address the concerns of the Department of Land and Natural Resources, your Committee concludes that clarifying the measure to address submerged and reclaimed lands will conform to the state of the lands and affected seawall.

Your Committee has amended this measure by 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. 3, 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. 3, S.D. 1.

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

  
LORRAINE R. INOUE, Chair



The Senate  
Thirty-First Legislature  
State of Hawai'i

**Record of Votes**  
**Committee on Water and Land**  
**WTL**

Bill / Resolution No.:* <b>SCR 3</b>	Committee Referral: <b>WTL, WAM</b>	Date: <b>3/14/22</b>
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The Committee is reconsidering its previous decision on this measure.  
If so, then the previous decision was to: \_\_\_\_\_

The Recommendation is:

Pass, unamended 2312    
 Pass, with amendments 2311    
 Hold 2310    
 Recommit 2313

Members	Aye	Aye (WR)	Nay	Excused
INOUYE, Lorraine R. (C)	✓			
KEITH-AGARAN, Gilbert S.C. (VC)				✓
MISALUCHA, Bennette E.	✓			
RIVIERE, Gil	✓			
FEVELLA, Kurt	✓			
<b>TOTAL</b>	<b>4</b>			<b>1</b>

Recommendation:  Adopted      Not Adopted

Chair's or Designee's Signature:  
*Bennette E. Misalucha*

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**\*Only one measure per Record of Votes**