

Honolulu, Hawaii

MAR 27, 2024

RE: H.C.R. No. 10
H.D. 1

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirty-Second State Legislature
Regular Session of 2024
State of Hawaii

Sir:

Your Committee on Water & Land, to which was referred H.C.R. No. 10 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 BOAT RAMP AND CONCRETE WALL, 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 seaward of the property identified as Tax Map Key: (1) 4-5-047:051, Kaneohe, Koolauopoko, Oahu, for the existing boat ramp and concrete wall, 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 and two individuals.

Your Committee finds that section 171-53, Hawaii Revised Statutes, requires the Board of Land and Natural Resources (Board)



to obtain prior authorization from the Legislature and prior approval of the Governor to dispose of state submerged lands. The Board identified portions of an existing boat ramp and concrete wall, and existing improvements constructed thereon, seaward of the property identified as Tax Map Key: (1) 4-5-047:051, Kaneohe, Koolaupoko, Oahu, as encroaching upon state submerged lands and on August 26, 2022, approved a grant of a twenty-five-year, non-exclusive easement to resolve the existing encroachments. Your Committee further finds that this measure expresses the requisite legislative approval so that an easement may be issued for the continued use of those state submerged lands.

Your Committee has amended this measure by:

- (1) Adding WHEREAS clauses explaining your Committee's concerns about the ongoing challenges posed by sea-level rise and the existing practice of issuing easements to private landowners for state submerged lands on a case-by-case basis;
- (2) Providing that the term of the non-exclusive easement to resolve the existing encroachments should not exceed fifteen years; 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. 10, as amended herein, and recommends that it be referred to your Committee on Finance in the form attached hereto as H.C.R. No. 10, H.D. 1.

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

FOR 
LINDA ICHIYAMA, Chair



Record of Votes of the Committee on Water & Land

Bill/Resolution No.: HCR10	Committee Referral: WAL, FIN	Date: 3/19/24		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" 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. ICHIYAMA, Linda (C)	/			
2. POEPOE, Mahina (VC)	/			
3. CHUN, Cory M.	/			
4. GANADEN, Sonny	/			
5. HASHEM, Mark J.	/			
6. MIZUNO, May Besario	/			
7. MORIKAWA, Dee	/			
8. TAKAYAMA, Gregg	/			
9. SOUZA, Kanani	/			
TOTAL (9)	9	0	0	0
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <div style="text-align:center; font-size: small;">committee acronym(s)</div>				
Vice Chair's or designee's signature: <u><i>Linda Ichiyama</i></u>				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				