

Honolulu, Hawaii  
MAR 27 , 2024

RE: H.C.R. No. 14  
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. 14 entitled:

"HOUSE CONCURRENT RESOLUTION AUTHORIZING THE ISSUANCE OF A TERM, NON-EXCLUSIVE EASEMENT COVERING A PORTION OF STATE SUBMERGED LANDS AT MAALAEA BEACH LOTS, WAIKAPU, WAILUKU, MAUI, 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 a term, non-exclusive easement covering a portion of state submerged lands seaward of the property identified as Tax Map Key: (2) 3-8-014: 022, Maalaea Beach Lots, Waikapu, Wailuku, Maui, 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; Milowai Maalaea AOA; Ma'alaea Village Association; and numerous 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 a portion of the existing seawall seaward of the property identified as Tax Map Key: (2) 3-8-014: 022, Maalaea Beach Lots, Waikapu, Wailuku, Maui, as encroaching upon state submerged lands and on January 8, 2021, approved an amendment to the Board of Land and Natural Resources' October 9, 2015, approval of a term, non-exclusive easement to shorten the term of the non-exclusive easement from fifty-five to twenty-five years, or in the event the applicant is unsuccessful in acquiring the fee or obtaining an extension of the ground lease of the abutting apartment property, to end on December 31, 2038, concurrent with the expiration of the ground lease for the abutting apartment property. 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:

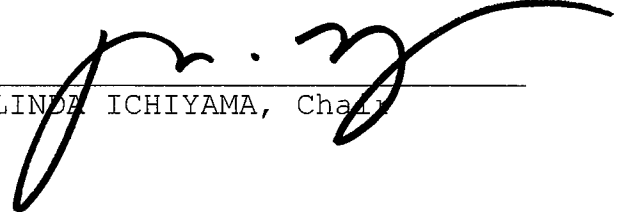
- (1) Adding WHEREAS clauses explaining your Committee's concerns about the ongoing challenges posed by sea-level rise and the existing practice of issuing easements to private landowners for state submerged lands on a case-by-case basis;
- (2) Providing that the term of the non-exclusive easement to resolve the existing encroachments should not exceed fifteen years;
- (3) Requesting the Board of Land and Natural Resources to require that the easement provide for either public access to the shoreline from the grass next to the seawall or the installation of a railing along the top of the seawall to allow the public lateral access to the shoreline; and
- (4) 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. 14, as amended herein, and recommends that it be referred to your



Committee on Finance in the form attached hereto as H.C.R. No. 14,  
H.D. 1.

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

*for*   
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LINDA ICHIYAMA, Chair



