

Honolulu, Hawaii
MAR 27 , 2024

RE: H.C.R. No. 22
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. 22 entitled:

"HOUSE CONCURRENT RESOLUTION AUTHORIZING THE ISSUANCE OF A TERM, NON-EXCLUSIVE EASEMENT COVERING A PORTION OF STATE SUBMERGED LANDS AT WAIKIKI, HONOLULU, OAHU, FOR CONSTRUCTION, USE, REPAIR, AND MAINTENANCE OF STEPS,"

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 identified as Tax Map Key: (1)3-1-039: seaward of 065, Waikiki, Honolulu, Oahu, for the construction, use, repair, and maintenance of concrete steps 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 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. A private entity requested the approval of the Department of Land and Natural Resources' Office of Conservation and Coastal Lands to reconstruct concrete steps on state submerged lands in the same



location, alignment, configuration, and footprint as previously existing concrete steps that had been constructed on the makai side of an existing seawall that fronted state submerged land identified as Tax Map Key: (1)3-1-039: seaward of 065, Waikiki, Honolulu, Oahu, and that were removed from the state submerged lands in 2021. Your Committee further finds that on October 13, 2023, the Board approved a grant of a twenty-five-year non-exclusive easement to resolve any encroachment issues. Your Committee also finds that this measure expresses the requisite legislative approval so that an easement may be issued for the 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. 22, as amended herein, and recommends that it be referred to your Committee on Finance in the form attached hereto as H.C.R. No. 22, H.D. 1.

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


LINDA ICHIYAMA, Chair



