

STAND. COM. REP. NO.

1144

Honolulu, Hawaii

APR 03 2009

RE: S.C.R. No. 78

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fifth State Legislature
Regular Session of 2009
State of Hawaii

Madam:

Your Committee on Water, Land, Agriculture, and Hawaiian Affairs, to which was referred S.C.R. No. 78 entitled:

"SENATE CONCURRENT RESOLUTION AUTHORIZING THE ISSUANCE OF A TERM, NON-EXCLUSIVE EASEMENT COVERING A PORTION OF STATE SUBMERGED LANDS SEAWARD OF TAX MAP KEY: (2) 4-3-2: 27, AT KAAPALI, MAUI, FOR CONCRETE PIER BLOCK REMNANTS PURPOSES,"

begs leave to report as follows:

The purpose of this measure is to seek the Legislature's approval as required by section 171-53, Hawaii Revised Statutes, to issue a non-exclusive easement for submerged lands at Kaanapali, Maui for concrete block remnant purposes.

Testimony in support of this measure was submitted by one state agency. Written testimony presented to your Committee may be reviewed on the Legislature's website.

Napili Kai, Ltd. is planning to enlarge and improve its existing swimming pool, which requires a permit from the county. The County of Maui requires a shoreline certification as part of the Special Management Area Use Permit process. As a result of a land survey done for the shoreline certification, several encroachments to the adjacent state submerged lands were discovered, including a walkway, stairs, a shower station, and concrete pier block remnants, all of which were constructed in the 1950s. In a letter dated October 16, 2007, the Department of Land and Natural Resources noted that the removal of these nonconforming structures would not affect the beach resource. However, Napili Kai, Ltd. prefers to keep the area in its existing



state. On September 26, 2008, the Board of Land and Natural Resources approved the direct issuance of a term, non-exclusive easement to Napili Kai, Ltd. for the use and maintenance of the existing improvements constructed, subject to certain terms and conditions.

Your Committee finds that section 171-53, Hawaii Revised Statutes, requires prior approval of the Governor and the prior authorization of the Legislature by concurrent resolution for the Board of Land and Natural Resources to lease state submerged lands.

As affirmed by the record of votes of the members of your Committee on Water, Land, Agriculture, and Hawaiian Affairs that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 78 and recommends that it be referred to the Committee on Ways and Means.

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

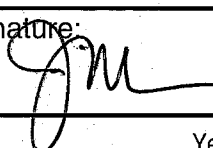


CLAYTON HEE, Chair



The Senate
Twenty-Fifth Legislature
State of Hawaii

Record of Votes
Committee on Water, Land, Agriculture and Hawaiian Affairs
WTL

Bill / Resolution No.:* SCR 78	Committee Referral: WTL, WAM	Date: 4/1/09		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input checked="" type="checkbox"/> Pass, unamended 2312 <input type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
HEE, Clayton (C)	✓			
TOKUDA, Jill N. (VC)	✓			
BUNDA, Robert	✓			
FUKUNAGA, Carol	✓			
KOKUBUN, Russell S.				✓
TAKAMINE, Dwight Y.				✓
HEMMINGS, Fred				✓
TOTAL	4	0	0	3
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes