

STAND. COM. REP. NO.

443

Honolulu, Hawaii

FEB 18 2011

RE: S.C.R. No. 2  
S.D. 1

Honorable Shan S. Tsutsui  
President of the Senate  
Twenty-Sixth State Legislature  
Regular Session of 2011  
State of Hawaii

Sir:

Your Committee on Water, Land, and Housing, to which was referred S.C.R. No. 2 entitled:

"SENATE CONCURRENT RESOLUTION AUTHORIZING THE ISSUANCE OF A NON-EXCLUSIVE EASEMENT COVERING A PORTION OF STATE SUBMERGED LANDS PURSUANT TO SECTION 171-53, HAWAII REVISED STATUTES, RELATING TO RECLAMATION AND DISPOSITION OF SUBMERGED OR RECLAIMED PUBLIC LAND,"

begs leave to report as follows:

The purpose and intent of this measure is to authorize the Board of Land and Natural Resources to issue a non-exclusive easement, covering a portion of state submerged lands identified as tax map key number (2) 4-6-3, seaward of parcel 5, for purposes of renovation and construction of a seawall.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources, Buz Moffett, Stanley Dunn, Thomas Brayton, Daniel Regan, and Christine Ho.

Your Committee finds that a seawall straddles the seaward boundary of the private property identified as tax map key number (2) 4-6-3:5 and submerged public land, which is state-owned and identified by tax map key number (2) 4-6-3, seaward of parcel 5. The owner of the private property has expressed concerns that the seawall requires maintenance and reconstruction, and has expressed her wish to obtain an easement for purposes of maintenance and reconstruction.

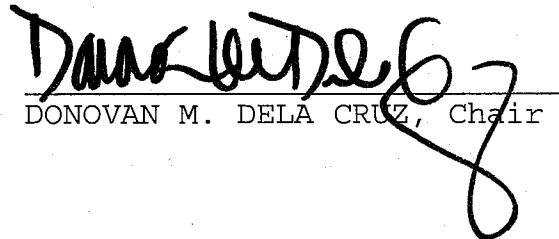


Your Committee heard the testimony of the private property owner that the area of the seawall is one hundred thirty square feet, instead of sixty-nine feet, as is currently stated in the measure. Therefore, your Committee has amended this measure by:

- (1) Providing that the area of the seawall is one hundred thirty square feet, rather than sixty-nine square feet; and
- (2) 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, Land, and Housing that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 2, as amended herein, and recommends that it be referred to the Committee on Judiciary and Labor, in the form attached hereto as S.C.R. No. 2, S.D. 1.

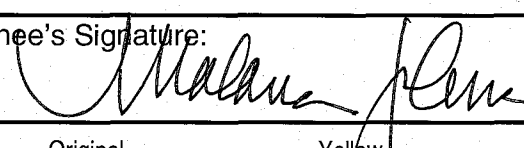
Respectfully submitted on  
behalf of the members of the  
Committee on Water, Land, and  
Housing,

  
DONOVAN M. DELA CRUZ, Chair



The Senate  
Twenty-Sixth Legislature  
State of Hawai'i

**Record of Votes**  
**Committee on Water, Land, and Housing**  
**WLH**

Bill / Resolution No.:*	Committee Referral:	Date:		
SCR 2	WLH, JDL	2-15-11		
<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 type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
DELA CRUZ, Donovan M. (C)	✓			
SOLOMON, Malama (VC)	✓			
FUKUNAGA, Carol				✓
RYAN, Pohai	✓			
SHIMABUKURO, Maile				✓
TOKUDA, Jill N.	✓			
SLOM, Sam				✓
<b>TOTAL</b>	<b>4</b>			<b>3</b>
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
				
<b>Distribution:</b>				
Original	Yellow	Pink	Goldenrod	
File with Committee Report	Clerk's Office	Drafting Agency	Committee File Copy	

\*Only one measure per Record of Votes