

STAND. COM. REP. NO. 3539

Honolulu, Hawaii

APR 19 2012

RE: H.C.R. No. 142

Honorable Shan S. Tsutsui
President of the Senate
Twenty-Sixth State Legislature
Regular Session of 2012
State of Hawaii

Sir:

Your Committee on Water, Land, and Housing, to which was referred H.C.R. No. 142 entitled:

"HOUSE CONCURRENT RESOLUTION AUTHORIZING THE ISSUANCE OF A TERM, NON-EXCLUSIVE EASEMENT COVERING A PORTION OF STATE SUBMERGED LANDS AT HONOKAWAI, LAHAINA, MAUI, FOR SEAWALL PURPOSES,"

begs leave to report as follows:

The purpose and intent of this measure is to authorize the issuance of a fifty-five year term, non-exclusive easement covering an approximately 1,484 square foot portion of state submerged lands fronting the private property identified as tax map key: (2) 4-4-001:042 at Lahaina, Maui, for seawall purposes.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources.

Your Committee finds that a seawall was constructed in 1965 along the shore to protect parcel 42 prior to the development on the site of the Hale Kai Condominium. The Association of Unit Owners of the condominium completed an environmental assessment for the seawall several years ago, and the Office of Conservation and Coastal Lands issued a finding of no significant impact. The Board of Land and Natural Resources approved the Conservation District Use Application of the seawall and consequently approved the issuance of a new fifty-five year term, non-exclusive easement. This measure fulfills the legislative approval requirement under section 171-53, Hawaii Revised Statutes, for the leasing of state submerged lands. The lessee will pay the State

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the fair market value of the easement and the amount shall be determined by independent appraisal.

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 H.C.R. No. 142, and recommends its adoption.

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



DONOVAN M. DELA CRUZ, Chair



