

STAND. COM. REP. NO. **3228**

Honolulu, Hawaii

APR 03 2014

RE: S.C.R. No. 19

Honorable Donna Mercado Kim
President of the Senate
Twenty-Seventh State Legislature
Regular Session of 2014
State of Hawaii

Madam:

Your Committee on Ways and Means, to which was referred
S.C.R. No. 19 entitled:

"SENATE CONCURRENT RESOLUTION AUTHORIZING THE ISSUANCE OF A
TERM, NON-EXCLUSIVE EASEMENT COVERING PORTION OF STATE
SUBMERGED LANDS AT KAHALUU, KOOLAUPOKO, OAHU, FOR THE
MAINTENANCE AND REPAIR OF THE EXISTING LANDSCAPING AREA,
CONCRETE WALL, AND FOOTING, AND FOR USE, MAINTENANCE, AND
REPAIR OF THE EXISTING IMPROVEMENTS CONSTRUCTED THEREON,"

begs leave to report as follows:

The purpose and intent of this measure is to authorize the
issuance of an easement for state submerged lands at Kahaluu,
Koolaupoko, Oahu for the maintenance and repair of an existing
landscaped area, concrete wall, and footing, and for the use,
maintenance, and repair of the existing improvements constructed
thereon.

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

The existing landscaping area, concrete wall, and footing
were placed on state submerged lands fronting the property
identified as Tax Map Key: (1) 4-7-019: seaward of 078, Kahaluu,
Koolaupoko, Oahu, and predated the establishment of the
Conservation District. Your Committee finds that, around 2012,
the Department of Land and Natural Resources worked with owners of
the abutting property to resolve the encroachment. Your Committee
further finds that the landscaping area, concrete wall, and
footing were found to be encroaching on state lands located makai

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of the shoreline, and this area should be considered as submerged lands. Your Committee finds that on December 14, 2012, the Board of Land and Natural Resources approved a grant of a fifty-five-year non-exclusive easement to resolve the encroachment.

Section 171-53, Hawaii Revised Statutes, requires the prior approval of the Governor and prior authorization of the Legislature by concurrent resolution for the disposition of state submerged lands. Accordingly, your Committee finds that this concurrent resolution is in compliance with the statutory requirements.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 19 and recommends its adoption.

Respectfully submitted on
behalf of the members of the
Committee on Ways and Means,



DAVID Y. IGE, Chair



The Senate
 Twenty-Seventh Legislature
 State of Hawai'i

Record of Votes
Committee on Ways and Means
WAM

Bill / Resolution No.:* SCR 11	Committee Referral: WTL, WAM	Date: 4/1/14		
<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
IGE, David Y. (C)	✓			
KIDANI, Michelle N. (VC)	✓			
CHUN OAKLAND, Suzanne	✓			
DELA CRUZ, Donovan M.				✓
ENGLISH, J. Kalani	✓			
ESPERO, Will	✓			
KAHELE, Gilbert	✓			
KEITH-AGARAN, Gilbert S.C.	✓			
KOUCHI, Ronald D.	✓			
RUDERMAN, Russell E.	✓			
THIELEN, Laura H.	✓			
TOKUDA, Jill N.	✓			
SLOM, Sam	✓			
	12	0	0	1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <i>Michelle N. Kidani</i>				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes