

STAND. COM. REP. NO. 1243

Honolulu, Hawaii

APR 01 2015

RE: S.C.R. No. 81
S.D. 1

Honorable Donna Mercado Kim
President of the Senate
Twenty-Eighth State Legislature
Regular Session of 2015
State of Hawaii

Madam:

Your Committee on Water and Land, to which was referred
S.C.R. No. 81 entitled:

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

begs leave to report as follows:

The purpose and intent of this measure is to authorize a
fifty-five year term, non-exclusive easement to Paul D. Gossman as
trustee of the Paul D. Gossman Residence Trust Dated December 18,
2008, for seawall encroachment purposes, according to the terms
and conditions approved by the Board of Land and Natural Resources
on August 9, 2013.

Your Committee did not receive any testimony on this measure.

Prior to the hearing on this measure, your Committee posted
and made available for public review a proposed S.D. 1, which
amends this measure by inserting language to authorize the
issuance of a term, nonexclusive easement for the right,
privilege, and authority to use, maintain, repair, and replace an
existing seawall over, under, and across state-owned land
identified as tax key map number (2)4-5-013, seaward of 027, an
area of approximately 2,352 square feet, in Lahaina, to the
Association of Apartment Owners of Lahaina Roads, according to the
terms and conditions approved by the Board of Land and Natural
Resources on July 27, 2012.

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Your Committee received testimony in support of the proposed S.D. 1 from the Department of Land and Natural Resources.

Your Committee finds that the seaward boundary of the Paul D. Gossman Residence Trust property fronts the ocean and a seawall straddles the seaward boundary of the Paul D. Gossman Residence Trust property and submerged public land, which is state owned and identified by tax key map number (2)4-5-003, seaward of parcel 026. A portion of the seawall encroaches into the state-owned submerged land. The easement term is for fifty-five years in consideration for a one-time payment to be determined by independent appraisal establishing a fair market rent, subject to review and approval by the Chairperson of the Board of Land and Natural Resources. The Board of Land and Natural Resources approved the request of Paul D. Gossman, as trustee of the Paul D. Gossman Residence Trust Dated December 18, 2008, for a term, non-exclusive easement over a portion of state-owned land located in Lahaina, Maui, on August 9, 2013, under agenda item D-10.

Your Committee further finds that the Association of Apartment Owners of Lahaina Roads, a non-profit corporation, is planning to conduct minor repairs to the existing nonconforming seawall fronting the Lahaina Roads complex in Lahaina, Maui, tax key map number (2)4-5-013, seaward of 027, an area of approximately 2,352 square feet. The Board of Land and Natural Resources approved the request of the Association of Apartment Owners of Lahaina Roads of a term, non-exclusive easement for a portion of state-owned land located in Lahaina, Maui, on July 27, 2012, under agenda item D-3.

Your Committee has amended this measure by:

- (1) Adopting the proposed S.D. 1; and
- (2) Clarifying that legislative approval of both easements is subject to confirmation by survey of the Department of Accounting and General Services.

As affirmed by the record of votes of the members of your Committee on Water and Land that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 81, as amended herein, and recommends that it be referred to the Committee on Ways and Means, in the form attached hereto as S.C.R. No. 81, S.D. 1.



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



LAURA H. THIELEN, Chair



The Senate
 Twenty-Eighth Legislature
 State of Hawai'i

Record of Votes
Committee on Water and Land
WTL

Bill / Resolution No.:* SCR 81	Committee Referral: WTL, WAM	Date: 4.1.15		
<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
THIELEN, Laura H. (C)	✓			
GALUTERIA, Brickwood (VC)	✓			
IHARA, Jr., Les	✓			
RIVIERE, Gil	✓			
RUDERMAN, Russell E.				✓
SHIMABUKURO, Maile S.L.	✓			
SLOM, Sam				✓
TOTAL	✓			2
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