

STAND. COM. REP. NO.

1619

Honolulu, Hawaii

APR 21 2015

RE: H.C.R. No. 73
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
H.C.R. No. 73 entitled:

"HOUSE 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 received testimony in support of this measure
from the Department of Land and Natural Resources and two
individuals.

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:

- (1) 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,

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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; and

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

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 adopting the proposed S.D. 1.

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 H.C.R. No. 73, as amended herein, and recommends that it be referred to the Committee on Ways and Means, in the form attached hereto as H.C.R. No. 73, S.D. 1.

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



LAURA H. THIELEN, Chair



