

STAND. COM. REP. NO.

1661

Honolulu, Hawaii

APR 19 2017

RE: H.C.R. No. 78
H.D. 1
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Twenty-Ninth State Legislature
Regular Session of 2017
State of Hawaii

Sir:

Your Committee on Water and Land, to which was referred
H.C.R. No. 78, H.D. 1, entitled:

"HOUSE CONCURRENT RESOLUTION AUTHORIZING THE ISSUANCE OF A
TERM, NON-EXCLUSIVE EASEMENT COVERING PORTION OF STATE
SUBMERGED LANDS AT KANEOHE, KOOLAUPOKO, OAHU, FOR THE
MAINTENANCE AND REPAIR OF THE EXISTING PIER, AND FOR USE,
REPAIR, AND MAINTENANCE 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 a term, non-exclusive easement for the portion of
state submerged lands identified as tax map key: (1) 4-5-058:121,
Kaneohe, Koolaupoko, Oahu, for the maintenance and repair of the
existing pier, and for the use, repair, and maintenance of the
existing improvements constructed thereon, pursuant to section
171-53, Hawaii Revised Statutes.

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

Your Committee finds that, pursuant to section 171-53, Hawaii
Revised Statutes, the Board of Land and Natural Resources may
lease submerged lands with the prior approval of the Governor and
the prior authorization of the Legislature by concurrent



resolution. Your Committee further finds that on December 9, 2016, under agenda item D-20, the Board of Land and Natural Resources approved a grant of a fifty-five-year non-exclusive easement to resolve the encroachment of the pier identified in this measure, subject to the easement grantee paying the State the fair market value of the easement, to be determined by an independent appraisal. Your Committee concludes that the easement is necessary for the maintenance and repair of the existing pier, and for the use, repair, and maintenance of the existing improvements constructed thereon.

Your Committee has amended this measure by:

- (1) Correcting the additional area of the encroachment to be 538 square feet, more or less, pursuant to testimony received from the Department of Land and Natural Resources;
- (2) Amending its title to make a technical, nonsubstantive amendment; and
- (3) Making other 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 and Land that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 78, H.D. 1, as amended herein, and recommends that it be referred to your Committee on Ways and Means, in the form attached hereto as H.C.R. No. 78, H.D. 1, S.D. 1.

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

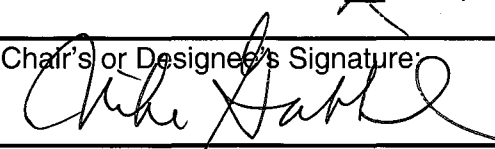


KARL RHOADS, Chair



The Senate
 Twenty-Ninth Legislature
 State of Hawai'i

Record of Votes
Committee on Water and Land
WTL

Bill / Resolution No.:*	Committee Referral:	Date:		
HCR 78, HD1	WTL, WAM	04-12-2017		
<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
RHOADS, Karl (C)	✓			
GABBARD, Mike (VC)	✓			
INOUE, Lorraine R.				✓
KIM, Donna Mercado	✓			
THIELEN, Laura H.				✓
TOTAL	3	—	—	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