

STAND. COM. REP. NO.

1662

Honolulu, Hawaii

APR 19 2017

RE: H.C.R. No. 97

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. 97 entitled:

"HOUSE CONCURRENT RESOLUTION AUTHORIZING THE ISSUANCE OF A
TERM, NON-EXCLUSIVE EASEMENT, COVERING A PORTION OF STATE
SUBMERGED AND RECLAIMED (FILLED) LANDS AT KUAU, MAKAWAO,
PAIA, MAUI, FOR ROCKWALL, REVETMENT STAIRWAY, AND LAWN
MAINTENANCE PURPOSES,"

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: (2) 2-6-012:026
at Kuau, Makawao, Paia, Maui, for maintenance, repair,
replacement, and removal of an existing seawall, rubble rock
revetment, stairs, and lawn over, under, and across state-owned
land, 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 November 30,
2012, under agenda item D-5, the Board of Land and Natural



Resources approved a grant of a fifty-five-year non-exclusive easement to resolve the encroachments identified in this measure. Your Committee notes the value of the easement as determined by an independent appraisal is \$68,300, and such sum has been remitted to the State. Your Committee concludes that the easement is necessary for the maintenance and repairs of the existing rock walls, revetments, stairway, and lawn encroaching on state submerged and reclaimed (filled) lands.

Accordingly, your Committee has amended this measure by:

- (1) Clarifying that the non-conforming encroachments were put into place at an undetermined time;
- (2) Clarifying that the Office of Conservation and Coastal Lands determined that allowing the encroachments to remain through the issuance of an easement would have no discernable effect on beach and recreational resources nor act as a detriment to public access, and recommended that any disposition require that the public land uses remain unimproved and a transit corridor be maintained along the seaward extent of the rock walls and revetments;
- (3) Inserting that an independent appraisal determined the fair market value of the easement at \$68,300, and the Department of Land and Natural Resources has confirmed receipt of payment for the easement;
- (4) Clarifying that the purpose of the easement is for the maintenance and repairs of the existing rock walls, revetments, stairway, and lawn over, under, and across state-owned lands;
- (5) Amending its title to accurately reflect its purpose; and
- (6) Making 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. 97, 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. 97, S.D. 1.

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

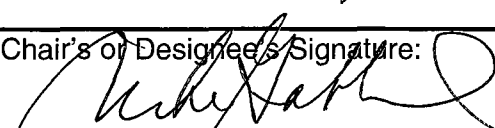
Karl Rhoads

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 97	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)
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
File with Committee Report	Clerk's Office	Drafting Agency
		Goldenrod
		Committee File Copy

*Only one measure per Record of Votes