

STAND. COM. REP. NO.

1278

Honolulu, Hawaii

MAR 24 , 2021

RE: H.C.R. No. 166
H.D. 1

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirty-First State Legislature
Regular Session of 2021
State of Hawaii

Sir:

Your Committee on Water & Land, to which was referred H.C.R. No. 166 entitled:

"HOUSE CONCURRENT RESOLUTION AUTHORIZING THE AMENDMENT OF A TERM, NON-EXCLUSIVE EASEMENT COVERING A PORTION OF STATE SUBMERGED LANDS AT KAPAA, KAWAIHAU, KAUAI, FOR CONSTRUCTION OF A GROIN AND FOR SMALL-SCALE BEACH RESTORATION, AND FOR USE, REPAIR, AND MAINTENANCE OF THE IMPROVEMENTS CONSTRUCTED THEREON,"

begs leave to report as follows:

The purpose of this measure is to request the Board of Land and Natural Resources to amend a term, non-exclusive easement covering a portion of state submerged lands at Kapaa, Kawaihau, Kauai, for construction of a groin, small-scale beach restoration, and the use, repair, and maintenance of improvements on state submerged lands.

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

Your Committee finds that there is an existing shoreline encroachment consisting of a temporary emergency erosion control structure fronting property located in Kapaa, Kawaihau, Kauai. Your Committee further finds that the Department of Land and

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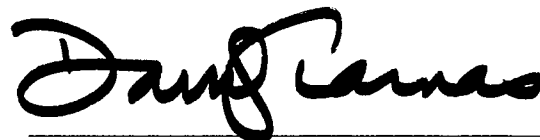
Natural Resources has worked with the property owner to resolve the encroachment by granting a term, non-exclusive easement to allow for the construction of a groin and the use, repair, and maintenance of improvements on the state submerged lands, and the grantee will be required to pay the State the fair market value of the easement. However, the Legislature must grant prior authorization before state submerged lands may be leased. This measure authorizes the granting of a term, non-exclusive easement for the portion of identified state submerged lands in Kapaa that have been encroached upon and for the construction of the groin and the use, repair, and maintenance of the improvements.

Your Committee has amended this measure by:

- (1) Amending its title to read, "AUTHORIZING THE ISSUANCE OF A TERM, NON-EXCLUSIVE EASEMENT COVERING A PORTION OF STATE SUBMERGED LANDS AT KAPAA, KAWAIHAU, KAUAI, FOR CONSTRUCTION OF A GROIN AND FOR USE, REPAIR, AND MAINTENANCE OF THE IMPROVEMENTS CONSTRUCTED THEREON."; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Water & Land that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 166, as amended herein, and recommends that it be referred to your Committee on Consumer Protection & Commerce in the form attached hereto as H.C.R. No. 166, H.D. 1.

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



DAVID A. TARNAS, Chair



