

STAND. COM. REP. NO. 1728

Honolulu, Hawaii

APR 13 2021

RE: H.C.R. No. 22  
H.D. 1  
S.D. 1

Honorable Ronald D. Kouchi  
President of the Senate  
Thirty-First State Legislature  
Regular Session of 2021  
State of Hawaii

Sir:

Your Committee on Water and Land, to which was referred  
H.C.R. No. 22, H.D. 1, entitled:

"HOUSE CONCURRENT RESOLUTION AUTHORIZING THE ISSUANCE OF  
TERM, NON-EXCLUSIVE EASEMENTS COVERING A PORTION OF STATE  
SUBMERGED LANDS AT WAIOHULI-KEOKEA (KIHEI), WAILUKU, MAUI,  
FOR THE EXISTING SEAWALL, AND FOR USE, MAINTENANCE, AND  
REPAIR OF THE EXISTING IMPROVEMENTS CONSTRUCTED THEREON,"

begs leave to report as follows:

The purpose and intent of this measure is to authorize the  
Board of Land and Natural Resources to issue a term, non-exclusive  
easement covering a portion of state submerged lands at Waiohuli-  
Keokea, Wailuku, Maui, for the existing seawall, and for the use,  
repair, and maintenance of the existing improvements constructed  
thereon.

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 (BLNR)  
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 in its meetings on  
August 25, 2017, under agenda item D-9, as amended, and



October 12, 2018, under agenda item D-5, the BLNR, subject to conditions, approved the grants of sixty-five-year non-exclusive easements of the additional portions of the seawall on state submerged lands, to resolve the approximately nine hundred twenty-eight square feet of seawall encroachments. Your Committee notes that the term of these additional easements is to run with the land and inure to the benefit of the abutting real property. Your Committee concludes that the easement is necessary for the use, repair, and maintenance of the existing seawall.

Your Committee has amended this measure by 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. 22, 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. 22, H.D. 1, S.D. 1.

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

  
\_\_\_\_\_  
LORRAINE R. INOUE, Chair



