

STAND. COM. REP. NO.

1048

Honolulu, Hawaii

MAR 22 2021

RE: S.C.R. No. 10

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
S.C.R. No. 10 entitled:

"SENATE CONCURRENT RESOLUTION AUTHORIZING THE ISSUANCE OF A
TERM, NON-EXCLUSIVE EASEMENT COVERING A PORTION OF STATE
SUBMERGED LANDS AT KAALAWAI, HONOLULU, OAHU, FOR THE EXISTING
SEAWALL, 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 covering a portion of
state submerged lands fronting the property identified as Tax Map
Key: (1) 3-1-041:025, Kaalawai, Honolulu, Oahu, for the existing
seawall, 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. The parcel in question relates to a seawall that was
built within private property, except for a small portion of the
wall footing which was built makai of the property on state lands.



The Department of Land and Natural Resources' Office of Conservation and Coastal Lands supported the disposition through an easement, citing there are no sandy beach resources fronting the subject seawall. Further, it is unlikely that removal of the encroachment would improve lateral shoreline access. The current seawall is being used as a retaining wall, and the removal of the encroaching portion could undermine the integrity of the entire seawall causing a catastrophic collapse and subsequent loss of backfilled soil and the resident structure.

Your Committee further finds that, on April 13, 2018, under agenda item D-7, the Board of Land and Natural Resources, subject to conditions, unanimously approved a grant of a fifty-five-year non-exclusive easement to resolve the two hundred fourteen square feet seawall encroachment to no public opposition. Your Committee concludes that the easement is necessary for the use, repair, and maintenance of the existing seawall.

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 S.C.R. No. 10 and recommends that it be referred to your Committee on Ways and Means.

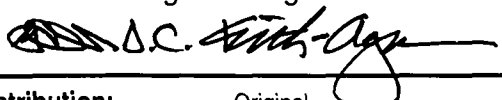
Respectfully submitted on
behalf of the members of the
Committee on Water and Land,


LORRAINE R. INOUE, Chair



The Senate
 Thirty-First Legislature
 State of Hawai'i

Record of Votes
Committee on Water and Land
WTL

Bill / Resolution No.:*	Committee Referral:	Date:		
SCR 10	WTL, WAM	3/10/21		
<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 checked="" type="checkbox"/> Pass, unamended 2312 <input type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
INOUE, Lorraine R. (C)	X			
KEITH-AGARAN, Gilbert S.C. (VC)	X			
MISALUCHA, Bennette E.	X			
RIVIERE, Gil				X
FEVELLA, Kurt	X			
TOTAL	4			1
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
				
Distribution:				
Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency	Goldenrod Committee File Copy	

*Only one measure per Record of Votes