

STAND. COM. REP. NO.

1639

Honolulu, Hawaii

APR 07 , 2021

RE: S.C.R. No. 113  
S.D. 2

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 S.C.R. No. 113, S.D. 2, entitled:

"SENATE CONCURRENT RESOLUTION AUTHORIZING THE ISSUANCE OF A TERM, NON-EXCLUSIVE EASEMENT COVERING A PORTION OF STATE SUBMERGED LANDS AT KAPAA, KAWAIHAU, KAUAI, FOR THE CONSTRUCTION, MAINTENANCE, AND REPAIR OF A TEMPORARY SAND GROIN TO SHELTER KUHIO BEACH FROM NEARSHORE CURRENTS AND SLOW LITTORAL DRIFT,"

begs leave to report as follows:

The purpose 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 Kapaa, Kawaihau, Kauai, for construction, maintenance, and repair of a temporary sand groin.

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

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 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 sand 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 any 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 sand groin and the use, repair, and maintenance of the improvements.

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 S.C.R. No. 113, S.D. 2, and recommends that it be referred to your Committee on Consumer Protection & Commerce.

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



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DAVID A. TARNAS, Chair



State of Hawaii  
House of Representatives  
The Thirty-first Legislature

HSCR 1639

Record of Votes of the Committee on Water & Land

<b>Bill/Resolution No.:</b> SCR113, SDZ	<b>Committee Referral:</b> WAL, CPC	<b>Date:</b> 4/6/21		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
<b>The recommendation is to:</b> <input checked="" type="checkbox"/> Pass, unamended (as is) <input type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
WAL Members	Ayes	Ayes (WR)	Nays	Excused
1. TARNAS, David A. (C)	✓			
2. BRANCO, Patrick Pihana (VC)	✓			
3. GANADEN, Sonny	✓			
4. KOBAYASHI, Bertrand	✓			
5. KONG, Sam Satoru	✓			
6. MORIKAWA, Dee	✓			
7. OHNO, Takashi	✓			
8. McDERMOTT, Bob	✓			
<b>TOTAL (8)</b>	8			
<b>The recommendation is:</b> <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. committee acronym(s)				
<b>Vice Chair's or designee's signature:</b> <u>David Tarnas</u>				
<b>Distribution:</b> Original (White) – Committee    Duplicate (Yellow) – Chief Clerk's Office    Duplicate (Pink) – HMSO				