

STAND. COM. REP. NO. 1051

Honolulu, Hawaii

MAR 22 2021

RE: S.C.R. No. 13

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. 13 entitled:

"SENATE CONCURRENT RESOLUTION AUTHORIZING THE ISSUANCE OF A  
PERPETUAL, NON-EXCLUSIVE EASEMENT COVERING A PORTION OF STATE  
SUBMERGED LANDS AT MAUNALUA, HONOLULU, OAHU, FOR THE EXISTING  
STORM DRAIN, 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 perpetual, non-exclusive easement for the portion of  
state submerged lands fronting the property identified as Tax Map  
Key: (1) 3-9-027:007, Maunalua, Honolulu, Oahu, for the existing  
storm drain, and for the use, repair, and maintenance of 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. In 2006, the City and County of Honolulu sought to  
improve one of their storm drains when they discovered a one  
hundred seventy-four square foot encroachment located makai of the



existing drainage easement. There appears to be no anticipated impacts to lateral sand movements and the improvement does not seek to prohibit lateral shoreline access. Rather, the improvement mitigates any surface runoff at the location. The improvement is a non-conforming use and no conservation district use permit was issued for the construction.

Your Committee further finds that on March 23, 2007, under agenda item D-5, the Board of Land and Natural Resources (Board) unanimously approved a request for a grant of a perpetual non-exclusive easement to resolve the one hundred seventy-four square feet storm drain encroachment. On August 9, 2019, under agenda item D-5, the Board amended its prior action by adding section 171-53, Hawaii Revised Statutes, as the governing statutory authority. Your Committee concludes that the easement is necessary for the use, repair, and maintenance of the existing storm drain.

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. 13 and recommends that it be referred to your Committee on Ways and Means.

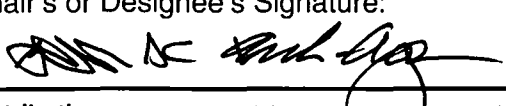
Respectfully submitted on  
behalf of the members of the  
Committee on Water and Land,

  
LORRAINE R. INOUBE, Chair



The Senate  
 Thirty-First Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Water and Land**  
**WTL**

Bill / Resolution No.:* <i>SCR 13</i>	Committee Referral: <i>WTL, WAM</i>	Date: <i>3/10/21</i>		
<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
INOUYE, Lorraine R. (C)	<i>X</i>			
KEITH-AGARAN, Gilbert S.C. (VC)	<i>X</i>			
MISALUCHA, Bennette E.	<i>X</i>			
RIVIERE, Gil				<i>X</i>
FEVELLA, Kurt	<i>X</i>			
<b>TOTAL</b>	<i>4</i>			<i>1</i>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
<b>Distribution:</b> Original     Yellow     Pink     Goldenrod File with Committee Report     Clerk's Office     Drafting Agency     Committee File Copy				

\*Only one measure per Record of Votes