

STAND. COM. REP. NO. 1079
Honolulu, Hawaii

RE: S.C.R. No. 102
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 S.C.R. No. 102 entitled:

"SENATE CONCURRENT RESOLUTION AUTHORIZING THE ISSUANCE OF A PERPETUAL, NON-EXCLUSIVE EASEMENT COVERING PORTIONS OF SUBMERGED LANDS AT MAUNALUA, OAHU, HAWAII, FOR THE CONSTRUCTION AND MAINTENANCE OF A ROCK GROIN TO SLOW THE RATE OF SEDIMENT DEPOSITION IN THE ENTRANCE CHANNEL OF THE HAWAII KAI MARINA,"

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 seaward of Tax Map Key: (1) 3-9-002: seaward of Kalanianaʻole Highway near the bridge at Maunaloa, Oahu, Hawaii, for the construction and maintenance of a rock groin to slow the rate of sediment deposition into the entrance channel of the Hawaii Kai Marina, 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 and two hundred sixteen individuals.

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 at its meeting on June 12, 2020, under agenda item D-7, BLNR, subject to conditions, approved the issuance of a perpetual, non-exclusive easement to the Hawaii Kai Marina Community Association for the replacement of the existing deteriorating sandbag groin with a new, larger, and permanent rock rubble mound revetment and groin. Your Committee concludes that the easement is necessary for the construction and maintenance of a rock groin to slow the rate of sediment deposition in the entrance channel of the Hawaii Kai Marina.

Following testimony and discussion, your Committee notes that the grantee has rejected the independently appraised value of \$400,000 for the easement and that, to date, no consideration has been paid for the easement. According to testimony received by your Committee, BLNR will request that the Hawaii Kai Marina Community Association adhere to the process under section 171-17, Hawaii Revised Statutes, to resolve disputes on the appraisal of fair market value.

Your Committee has amended this measure by making technical, nonsubstantive amendments for the purposes of consistency and clarity.

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. 102, as amended herein, and recommends that it be referred to your Committee on Ways and Means, in the form attached hereto as S.C.R. No. 102, S.D. 1.

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

LORRAINE R. INOUE, Chair