

Honolulu, Hawaii

APR 11 2008

RE: S.C.R. No. 4

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fourth State Legislature
Regular Session of 2008
State of Hawaii

Madam:

Your Committee on Water and Land, to which was referred
S.C.R. No. 4 entitled:

"SENATE CONCURRENT RESOLUTION AUTHORIZING THE ISSUANCE OF
NON-EXCLUSIVE EASEMENT COVERING PORTION OF STATE SUBMERGED
LANDS AT LAHAINA, MAUI, FOR MAINTENANCE AND REPAIR OF
EXISTING CONCRETE PILLARS AND IMPROVEMENTS PURPOSES,"

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 fronting the property identified as Tax Map Key No.: (2) 4-5-1:5 at Lahaina, Maui, for maintenance and repair of existing concrete pillars and improvements purposes.

Testimony in support of this measure was submitted by the Department of Land and Natural Resources, Lahaina Yacht Club, and by an individual on behalf of the membership of the Lahaina Yacht Club.

Your Committee notes that the area above the submerged lands in question is partially used for a restaurant. Leases of the submerged lands in question are made on a case-by-case basis which is why there is a difference in the lease term between the original lease and the current lease for the submerged lands. Your Committee further notes that the submerged lands in question are ceded lands and that proceeds from the pro rata portion of the income derived from the usage of these lands is required to be



transferred to the Office of Hawaiian Affairs pursuant to Article XII of the Hawaii Constitution.

Pursuant to section 171-53(c), Hawaii Revised Statutes, the Board of Land and Natural Resources is authorized to lease the described lands to any private entity upon the prior approval of the Governor and prior authorization of the Legislature by concurrent resolution. Accordingly, this measure authorizes the Board of Land and Natural Resources to lease the lands fronting the property identified as Tax Map Key No.: (2) 4-5-1:5 at Lahaina, Maui, for maintenance and repair of existing concrete pillars and improvements purposes.

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. 4 and recommends its adoption.

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



CLAYTON HEE, Chair



The Senate
 Twenty-Fourth Legislature
 State of Hawaii

Record of Votes
Committee on Water and Land
WTL

Bill / Resolution No.:* SCR 4	Committee Referral: WTL	Date: 4/9/08
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The committee is reconsidering its previous decision on this measure.
 If so, then the previous decision was to: _____

The Recommendation is:

Pass, unamended 2312
 Pass, with amendments 2311
 Hold 2310
 Recommit 2313

Members	Aye	Aye (WR)	Nay	Excused
HEE, Clayton (C)				X
KOKUBUN, Russell S. (VC)	X			
FUKUNAGA, Carol	X			
TOKUDA, Jill N.	X			
WHALEN, Paul				X
TOTAL	3	0	0	2

Recommendation:
 Adopted
 Not Adopted

Chair's or Designee's Signature:

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*Only one measure per Record of Votes