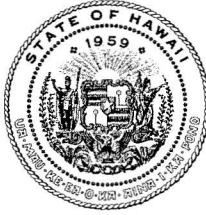


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KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

**TESTIMONY OF THE CHAIRPERSON  
OF THE BOARD OF LAND AND NATURAL RESOURCES**

**On Senate Concurrent Resolution 4 – AUTHORIZING THE ISSUANCE OF NON-EXCLUSIVE EASEMENT COVERING PORTION OF SUBMERGED LANDS AT LAHAINA, MAUI, FOR MAINTENANCE AND REPAIR OF EXISTING CONCRETE PILLARS AND IMPROVEMENTS PURPOSES**

**BEFORE THE HOUSE COMMITTEE ON  
WATER, LAND, OCEAN RESOURCES, AND HAWAIIAN AFFAIRS**

**April 17, 2008**

Senate Concurrent Resolution 4 seeks the approval of the Legislature to issue a non-exclusive easement for submerged lands at Lahaina, Maui, for the maintenance and repair of existing concrete pillars and improvements purposes. The Department of Land and Natural Resources (Department) strongly supports this Administration measure.

The original decks makai of Lahaina Front Street were constructed in the 1920s. Sometime in 1966 or 1967 when Lahaina Yacht Club acquired the Front Street property, the building was restored, and the open deck and some of the piers were replaced. In 1982 or 1983, Lahaina Yacht Club replaced some piers.

In 1987, Lahaina Yacht Club filed a conservation district use application with the Department to bring the existing deck into conformance with the law.

On September 25, 1987, under agenda item H-5, the Board of Land and Natural Resources (Board) granted an after-the-fact conservation district use permit for the clubhouse deck and proposed roof construction over state submerged lands. Furthermore, the Board assessed Lahaina Yacht Club a \$1,000 fine for unauthorized use and occupancy of state submerged lands.

On February 12, 1988, under agenda item F-7, the Board approved the direct issuance of a term, non-exclusive easement to Lahaina Yacht Club for the maintenance and repair of existing concrete pillars and for the use and maintenance of the roof construction over the clubhouse wood deck subject to certain terms and conditions.

On August 2, 1989, the Department issued Grant of Easement No. S-5182 to Lahaina Yacht Club for a term of twenty (20) years, commencing February 12, 1988 and expiring on February 11, 2008. The annual rent for the first ten (10) years was \$3,000 and for the remaining ten (10) years was/is \$5,661.

On January 25, 2008, under agenda item D-4, the Board approved a one (1) year holdover from February 12, 2008 to February 11, 2009 and granted a term, non-exclusive easement to Lahaina Yacht Club effective February 12, 2009. The annual rent is to be based on fair market determined by an independent real estate appraiser.

This concurrent resolution is requested to allow for the issuance of a non-exclusive easement for state submerged lands as required under Section 171-53, Hawaii Revised Statutes.