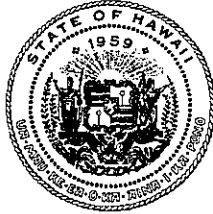
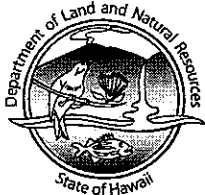


TESTIMONY
SCR 4

LINDA LINGLE
GOVERNOR OF HAWAII



**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES**

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

Laura H. Thielen
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

Russell Y. Tsuji
FIRST DEPUTY

Ken C. Kawahara
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
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CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
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 SENATE COMMITTEE ON
WATER AND LAND**

April 9, 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.

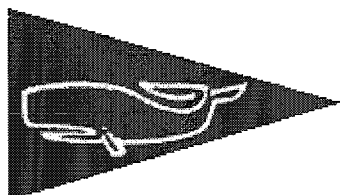
On August 2, 1989, the Department issued Grant of Easement No. S-5182 to Lahaina Yacht Club for a term of twenty (20) years, commencing February 12, 1988 and expiring on February 11, 2008. The annual rent for the first ten (10) years was \$3,000 and for the remaining ten (10) years was/is \$5,661.

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.

testimony

From: Brian Blundell [bkblah@maui.net]
Sent: Tuesday, April 08, 2008 5:48 AM
To: testimony
Subject: SCR-4
Attachments: Lahaina Yacht Club.doc



Lahaina Yacht Club
Brian K. Blundell Chairman
Board of Trustees
835 Front St. Lahaina, HI. 96761

TESTIMONY IN FAVOR OF SCR 4 BEFORE THE SENATE
COMMITTEE ON WATER AND LAND APRIL 9, 2008

Aloha Senator Hee and Committee members,

I would like to take this opportunity to testify in favor of SCR 4. The Lahaina Yacht Club was chartered in 1966 and at that time they purchased the building that was falling into the ocean. After applying for and receiving all permits required at the time they restored the building. Since then several of the piers holding the deck have had to be replaced.

In 1987 the club was approached by DLNR and informed that a conservation district use permit was required, this permit was applied for and received and after the payment of a \$1,000.00 fine the permit was issued for a period of 20 years.

This permit expired February 2008 and because the DLNR did not get legislative approval during the 2007 session they could not execute a new lease. This would have subjected the club to another fine. In February 2008 the BLNR was approached and they agreed to a one year extension of the permit allowing time for this 2008 legislature to approve a new permit.

On behalf of the membership of the Lahaina Yacht Club I would appreciate your committee's favorable vote for this resolution.

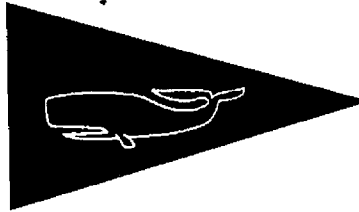
Sincerely

Brian K. Blundell
Chairman BOT
(808) 870-9637

4/8/2008

LAHAINA YACHT CLUB

835 FRONT ST.
LAHAINA
MAUI
HAWAII
96761



Senator Hee and Committee Members,

My name is John Pope. I am the Club Manager of the Lahaina Yacht Club. This shall serve as testimony in favor of SCR 4. I am writing you for a "yes" vote on SCR 4 which will be before the Senate Committee on Water and Land, April 9, 2008.

In 1987 we received a 20 year permit from the DLNR for land use in a conservation district. Due to DLNR oversight, no approval was issued in the 2007 legislature. Here is our chance.

On behalf of the entire 1400 membership of the Lahaina Yacht Club, please vote favorably for this resolution.

Sincerely,

A handwritten signature in black ink, appearing to read 'John Pope', written over the printed name.

John Pope
Manager
Lahaina Yacht Club

TESTIMONY
SCR 4
(END)