

TESTIMONY
SCR78

LINDA LINGLE
GOVERNOR OF HAWAII



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

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KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

**Testimony of
LAURA H. THIELEN
Chairperson**

**Before the Senate Committee on
WATER, LAND, AGRICULTURE, AND HAWAIIAN AFFAIRS**

**Wednesday, April 1, 2009
2:24 PM
State Capitol, Conference Room 229**

**In consideration of
SENATE CONCURRENT RESOLUTION 78
AUTHORING THE ISSUANCE OF A TERM, NON-EXCLUSIVE EASEMENT
COVERING A PORTION OF STATE SUBMERGED LANDS SEAWARD OF TAX MAP
KEY: (2) 4-3-2:27, AT KAA NAPALI, MAUI, FOR CONCRETE PIER BLOCK
REMNANTS PURPOSES**

Senate Concurrent Resolution 78 seeks the approval of the Legislature to issue a non-exclusive easement for submerged lands at Lahaina, Maui, for concrete block remnant purposes. The Department of Land and Natural Resources strongly supports this concurrent resolution.

Napili Kai, Ltd. is planning to enlarge and improve its existing swimming pool. The County of Maui requires a shoreline certification as part of the Special Management Area Use Permit process. As a result of a land survey done, several encroachments (walkway, stairs, shower station, concrete pier block remnants) were discovered on the adjacent state submerged lands. While the Department, in its letter dated October 16, 2007, noted that removal of these nonconforming structures (constructed in the 1950s) "would not affect the beach resource.", Napili Kai, Ltd. has indicated they prefer to keep the area in its existing state.

On September 26, 2008, under agenda item D-7, the Board of Land and Natural Resources approved the direct issuance of a term, non-exclusive easement to Napili Kai, Ltd. for the use and maintenance of the existing improvements constructed thereon, subject to certain terms and conditions.

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

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(END)