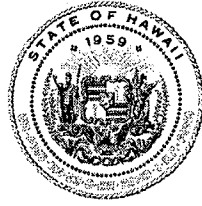
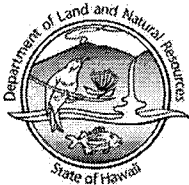


TESTIMONY
SCR 6

LINDA LINGLE
GOVERNOR OF HAWAII



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

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

**Testimony of
LAURA H. THIELEN
Chairperson**

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

**Wednesday, February 17, 2010
2:45 PM
State Capitol, Conference Room 229**

**In consideration of
SENATE CONCURRENT RESOLUTION 6 – AUTHORIZING THE MUTUAL
CANCELLATION OF LEASE OF NON-EXCLUSIVE EASEMENT S-5252 AND
ISSUANCE OF A TERM, NON-EXCLUSIVE EASEMENT COVERING A PORTION OF
STATE SUBMERGED LANDS SITUATED AT LAPAAKEA, LAHAINA, MAUI,
IDENTIFIED BY TAX MAP KEY: (2) 4-5-001:55; SEAWARD OF TAX MAP KEY: (2) 4-
5-001:006**

Senate Concurrent Resolution (SCR) 6 authorizes the Department of Land and Natural Resources (Department) to mutually cancel Lease of Non-Exclusive Easement S-5252 and the issuance of a new term, non-exclusive easement covering submerged lands at Lahaina, Maui. The Department strongly supports this measure.

On August 28, 2009, under agenda item D-15, the Board of Land and Natural Resources approved the mutual cancellation and authorized the issuance of a sixty-five (65) year, term, non-exclusive easement to Meri-Jo Abrams Manuel, Trustee of the Lakala Trust for wooden deck and concrete piers purposes. The one-time payment is to be based on fair market determined by an independent real estate appraiser.

Adoption of this concurrent resolution will allow for the issuance of a non-exclusive easement for state submerged lands as required under Section 171-53, Hawaii Revised Statutes.

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
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

WRITTEN TESTIMONY IN SUPPORT OF SCR 6
Committee on Water, Land, Agriculture, and Hawaiian Affairs
Hearing Date: February 17, 2010
Time: 2:45pm

Dear Senator Hee and Committee Members:

I am the daughter of Elizabeth Wilson and the trustee of the Lakala Trust which is the fee simple owner of that property located at 839 Front Street, Lahaina, Maui, Hawai'i. The property was originally the old fish market run by the Kawaguchis for many decades and is an old landmark on the makai side of Front Street. The Lakala Trust was established by Elizabeth Wilson and the Lakala Trust income is required to be used to fund the Lakala Family Foundation. The Foundation provides funding for DeBolt Gardens in Olinda Maui Hawaii whose purpose is to teach the propagation of native Hawaiian plants and to preserve native Hawaiian endangered species and also makes charitable contributions to other non-profit entities in the State of Hawai'i. The Foundation makes distributions of over \$100,000.00 to nonprofit organizations annually.

The old Kawaguchi fish market historically extended over submerged lands owned by the State of Hawai'i and in January 1990, the Department of Land and Natural Resources approved a conservation district use permit for the two decks that extended over the submerged land (the building is a two-story building). Lakala Trust held a nonexclusive easement with the State of Hawai'i for these submerged lands which was to expire on May 24, 2012. The property is subject to a mortgage with American Savings Bank and as part of the refinancing of that mortgage the Lakala Trust was required to obtain a long-term extension of the right to use the submerged lands to satisfy ASB. To further that intent the Non-Exclusive Easement S-5252 was terminated to seek a 65-year lease which is the subject matter of the above- resolution.

There are other properties on Front Street that have also requested and successfully received long-term leases over submerged lands; the most recent to my knowledge is the adjacent property owned by the Lahaina Yacht Club.

I respectfully request that the committee approve the concurrent resolution. In addition to the above the long term lease offers the State of Hawai'i an opportunity to receive additional compensation which would benefit the State in these difficult economic times.

If you have any questions regarding the above, please do not hesitate to contact me at (808) 573-0944 or contact the Lakala Trust attorney, Thomas R. Cole at (808) 242-6854. I appreciate your positive consideration regarding this matter.

Very Truly Yours,

Meri Jo Abrams Manuel

TESTIMONY
SCR 6
(END)