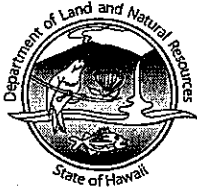


NEIL ABERCROMBIE
GOVERNOR OF HAWAII



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KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

Testimony of
WILLIAM J. AILA, JR.
Chairperson

Before the House Committee on
WATER, LAND, & OCEAN RESOURCES

Friday, March 23, 2012
10:45 AM
State Capitol, Conference Room 325

In consideration of
HOUSE CONCURRENT RESOLUTION 142
AUTHORIZING THE ISSUANCE OF A TERM, NON-EXCLUSIVE EASEMENT
COVERING A PORTION OF STATE SUBMERGED LANDS AT HONOKAWAI,
LAHAINA, MAUI, FOR SEAWALL PURPOSES

House Concurrent Resolution 142 requests the authorization to issue a 55-year term, non-exclusive easement covering a 1,484 square foot, more or less, portion of state submerged lands fronting the private property identified as tax map key: (2) 4-4-001: 042 (Parcel 42), at Lahaina, Maui for seawall purposes, pursuant to Section 171-53, Hawaii Revised Statutes (HRS). The Department of Land and Natural Resources (Department) supports this resolution.

Parcel 42 is the site of the Hale Kai Condominium (HKC) complex. A seawall was constructed in 1965 along the shore to protect Parcel 42 prior to the development of HKC. Several years ago, the Association of Unit Owners (Association) of HKC completed an environmental assessment for the seawall, and the Department's Office of Conservation and Coastal Lands issued a finding of no significant impact on September 10, 2010.

As required by Section 171-53, HRS, the Board of Land and Natural Resources (Board) may lease submerged lands "with the prior approval of the governor and the prior authorization of the legislature by concurrent resolution". At its meeting on October 28, 2010, the Board approved a Conservation District Use Application submitted by the Association for the seawall. At its meeting of August 12, 2011, under agenda item D-2, the Board approved the issuance of a new 55-year term, non-exclusive easement to the Association covering the seawall.

The Lessee will pay the State the fair market value of the easement as consideration for the use of public lands. The amount of consideration shall be determined by independent appraisal.

Thank you for the opportunity to testify.