

# HCR143

AUTHORIZING THE ISSUANCE OF A TERM, NON-EXCLUSIVE  
EASEMENT, COVERING A PORTION OF STATE SUBMERGED LANDS  
AT MAHINAHINA, LAHAINA, MAUI, FOR RUBBLE ROCK  
REVTMENT PURPOSES.

NEIL ABERCROMBIE  
GOVERNOR OF HAWAII



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

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

**Testimony of  
WILLIAM J. AILA, JR  
Chairperson**

**Before the Senate Committee on  
WATER, LAND, AND HOUSING**

**Tuesday, April 17, 2012  
2:00 PM  
State Capitol, Conference Room 224**

**In consideration of  
HOUSE CONCURRENT RESOLUTION 143**

**AUTHORIZING THE ISSUANCE OF A TERM, NON-EXCLUSIVE EASEMENT,  
COVERING A PORTION OF STATE SUBMERGED LANDS AT MAHINAHINA,  
LAHAINA, MAUI, FOR RUBBLE ROCK REVETMENT PURPOSES**

House Concurrent Resolution 143 requests the authorization to issue a 55-year term, non-exclusive easement covering a 5,597 square feet, more or less, portion of state submerged lands identified as tax map key: (2) 4-3-006:065, situate at Mahinahina, Lahaina, Maui for a concrete and rubble rock revetment constructed thereon, pursuant to Section 171-53, Hawaii Revised Statutes (HRS). The Department of Land and Natural Resources (Department) supports this resolution.

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". Originally, the Board of Land and Natural Resources, at its meeting in February 19, 1975 under agenda item F-7, approved the issuance of a month-to-month Revocable Permit No. S-5117 to the Association of Apartment Owners of Lokelani for the revetment. A request was later made to cancel the revocable permit to allow for the issuance of a more appropriate non-exclusive term easement. At its meeting on October 24, 2010, under agenda item D-16, the Board approved the cancellation of the revocable permit and issuance of a fifty-five year term, non-exclusive easement to the Association of Apartment Owners of Lokelani.

The Lessee shall 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.

WILLIAM J. AILA, JR.  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT

GUY H. KAULUKUKUI  
FIRST DEPUTY

WILLIAM M. TAM  
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

~~Patrick J. Wardell~~

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, April 16, 2012 2:11 PM  
**To:** WLH Testimony  
**Cc:** pwardell@uplink.net  
**Subject:** Testimony for HCR143 on 4/17/2012 2:00:00 PM

Testimony for WLH 4/17/2012 2:00:00 PM HCR143

Conference room: 224  
Testifier position: Support  
Testifier will be present: No  
Submitted by: Patrick J. Wardell  
Organization: Individual  
E-mail: [pwardell@uplink.net](mailto:pwardell@uplink.net)  
Submitted on: 4/16/2012

Comments:  
I strongly support the passing of HCR 143