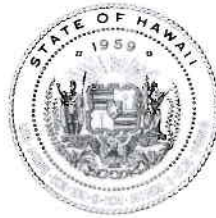


NEIL ABERCROMBIE
GOVERNOR OF HAWAII



**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, March 27, 2012
1:20 PM
State Capitol, Conference Room 225**

**In consideration of
SENATE CONCURRENT RESOLUTION 113
AUTHORIZING THE ISSUANCE OF A TERM, NON-EXCLUSIVE EASEMENT
COVERING A PORTION OF STATE SUBMERGED LANDS AT HONOKAWAI,
LAHAINA, MAUI, FOR SEAWALL PURPOSES**

Senate Concurrent Resolution 113 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.

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
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LAND
STATE PARKS