

SCR12

AUTHORIZING THE ISSUANCE OF A TERM, NON-EXCLUSIVE
EASEMENT COVERING A PORTION OF STATE SUBMERGED LANDS
AT LAHAINA, MAUI, FOR MAINTENANCE AND REPAIR OF
EXISTING DECK AND IMPROVEMENTS.

NEIL ABERCROMBIE
GOVERNOR OF HAWAII



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

POST OFFICE BOX 621
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**Testimony of
WILLIAM J. AILA, JR
Chairperson**

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

**Tuesday, February 28, 2012
1:25 PM**

State Capitol, Conference Room 225

**In consideration of
SENATE CONCURRENT RESOLUTION 12**

**AUTHORIZING THE ISSUANCE OF A TERM, NON-EXCLUSIVE EASEMENT
COVERING A PORTION OF STATE SUBMERGED LANDS AT LAHAINA, MAUI,
FOR MAINTENANCE AND REPAIR OF EXISTING DECK AND IMPROVEMENTS**

Senate Concurrent Resolution 12 requests the authorization to issue a 65-year term, non-exclusive easement covering a 1,312 square feet, more or less, portion of state submerged lands fronting the property identified as tax map key: (2) 4-5-001: seaward of 004, at Front Street, Lahaina, Maui for maintenance and repair of existing improvements constructed thereon, pursuant to Section 171-53, Hawaii Revised Statutes (HRS). The Department of Land and Natural Resources (Department) support this concurrent 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". The Board originally approved a twenty year lease of non-exclusive easement at its meeting on October 27, 1989, under agenda item F-12. Pursuant to the Board's decision, Lease for Non-Exclusive Easement S-5217 was executed on August 1, 1991. At its meeting on November 22, 2010, under agenda item D-6, the Board approved the issuance of a new term, non-exclusive easement. In order to comply with Section 171-53, HRS, the Board amended their approval by authorizing a one-year holdover of easement S-5217 at its meeting on July 8, 2011, under agenda item D-8.

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



From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 27, 2012 9:09 AM
To: WLH Testimony
Cc: Brenda.Kosky@gmail.com
Subject: Testimony for SCR12 on 2/28/2012 1:25:00 PM

Testimony for WLH 2/28/2012 1:25:00 PM SCR12

Conference room: 225
Testifier position: Support
Testifier will be present: No
Submitted by: Brenda Kosky
Organization: Individual
E-mail: Brenda.Kosky@gmail.com
Submitted on: 2/27/2012

Comments:
Yes, we must support taking care of the land!