

NEIL ABERCROMBIE
GOVERNOR OF HAWAII



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

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

**Before the House Committees on
WATER & LAND
and
OCEAN, MARINE RESOURCES & HAWAIIAN AFFAIRS**

**Monday, March 25, 2013
8:45 AM
State Capitol, Conference Room 325**

**In consideration of
HOUSE CONCURRENT RESOLUTION 61
AUTHORIZING THE ISSUANCE OF A FIFTY-FIVE YEAR TERM, NON-EXCLUSIVE
EASEMENT COVERING A PORTION OF STATE SUBMERGED LANDS AT
PUAMANA, LAHAINA, MAUI, FOR VARIOUS SEAWALL STRUCTURES, A
CONCRETE GROIN, AND REVENTMENT FOOTINGS OF A HISTORIC SWIMMING
POOL**

House Concurrent Resolution 61 requests the authorization to issue a term, non-exclusive easement covering 1895 square feet, more or less, portion of state submerged lands seaward of the property identified as tax map key: (2) 4-6-028:001, at Puamana, Lahaina, Maui for various seawall structures, a concrete groin and revetment footings of a historic swimming pool constructed thereon, pursuant to Section 171-53, Hawaii Revised Statutes (HRS). **The Department of Land and Natural Resources (Department) supports this concurrent resolution.**

The owner of the abutting property, Puamana Community Association, a Hawaii non-profit corporation ("PCA"), applied for a shoreline certification in order to obtain permits to repair the swimming pool structure. During the shoreline site inspection conducted on June 3, 2010, several improvements were determined to be encroaching seaward of the shoreline onto public submerged lands. 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 26, 2012, under agenda item D-6, the Board approved the issuance of a new term, non-exclusive easement PCA.

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

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

ESTHER KIA'AINA
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