

DAVID Y. IGE
GOVERNOR OF HAWAII



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

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**Testimony of
SUZANNE D. CASE
Chairperson**

**Before the House Committee on
WATER & LAND**

**Monday, March 21, 2016
10:00 AM
State Capitol, Room 325**

**In consideration of
HOUSE CONCURRENT RESOLUTION 58
AUTHORIZING AMENDMENT OF PERPETUAL NON-EXCLUSIVE EASEMENT
FOR MAINTENANCE AND REPAIR OF EXISTING SEAWALL AND LANDSCAPING
OF EASEMENT AREA AT LAHAINA ON THE ISLAND OF MAUI**

House Concurrent Resolution 58 requests the authorization to amend a perpetual non-exclusive easement for an estimated 943 square feet, more or less, located on state submerged lands identified as tax map key (2) 4-4-001:seaward of 055, at Honokowai, Kaanapali, Lahaina, Maui, for the maintenance and repair of the existing rock seawall constructed thereon, pursuant to Section 171-53, Hawaii Revised Statutes (HRS). **The Department of Land and Natural Resources (Department) supports this concurrent resolution.**

The current owner of the abutting landward property, the Papakea Association of Apartment Owners (Papakea AOA), worked with the Department to resolve the encroachment. The encroachment was identified on state lands located seaward of the shoreline and such area should be considered as 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 August 09, 2013, under agenda items D-9, the Board approved the amendment to the perpetual, non-exclusive easement for purposes stated above.

The State has been paid the fair market value of the easement, as determined by independent appraisal, as consideration for the use of public lands in the amount of \$12,070.40.

Thank you for your consideration of this testimony.

SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

KEKOA KALUHIWA
FIRST DEPUTY

JEFFREY T. PEARSON, P.E.
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
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