

DAVID Y. IGE  
GOVERNOR OF HAWAII



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

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FIRST DEPUTY

JEFFREY T. PEARSON, P.E.  
DEPUTY DIRECTOR - WATER

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BOATING AND OCEAN RECREATION  
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LAND  
STATE PARKS

STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES

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Testimony of  
SUZANNE D. CASE  
Chairperson

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

Thursday, April 14, 2016  
11:00 AM  
State Capitol, Conference Room 325

In consideration of  
SENATE CONCURRENT RESOLUTION 45, SENATE DRAFT 1  
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

Senate Concurrent Resolution 45, Senate Draft 1, 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.