

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 Senate Committee on
WAYS AND MEANS**

**Wednesday, March 16, 2016
9:00 AM
State Capitol, Conference Room 211**

**In consideration of
SENATE CONCURRENT RESOLUTION 7
AUTHORIZING THE ISSUANCE OF A TERM, NON-EXCLUSIVE
EASEMENT COVERING A PORTION OF STATE SUBMERGED LANDS AT
WAIOHULI-KEOKEA (KIHEI), WAILUKU, MAUI, FOR THE USE, MAINTENANCE
AND REPAIR OF THE EXISTING SEAWALL CONSTRUCTED THEREON**

Senate Concurrent Resolution 7 requests the authorization to issue a term, non-exclusive easement for an estimated 450 square feet, more or less, located on state submerged lands identified as tax map key (2) 3-9-011:seaward of 008, at Waiohuli-Keokea (Kihei), Wailuku, 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 Association of Owners of the 1688 Halama Street Condominium (Association), as well as the predecessor-in-interest of the Association, worked with the Department to resolve the encroachment. The encroachment was identified on state lands located makai 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 meetings on August 10, 1990 and May 8, 2015, under agenda items F-7 and D-8 respectively, the Board approved as amended the issuance of a term, 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. The easement area is subject to review and confirmation by the State Surveyor.

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
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS