

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
WATER AND LAND**

**Wednesday, March 8, 2017
2:45 PM
State Capitol, Conference Room 224**

**In consideration of
SENATE CONCURRENT RESOLUTION 41
AUTHORIZING THE ISSUANCE OF A SIXTY-FIVE YEAR TERM, NON-EXCLUSIVE
EASEMENT FOR REPAIR AND MAINTENANCE OF THE EXISTING SEAWALL
SEAWARD OF AND FRONTING TAX MAP KEY NUMBER: (2) 3-9-11:7; WAIOHULU-
KEOKEA HOMESTEADS AND BEACH LOTS, WAIOHULU-KEOKEA (KIHEI),
WAILUKU, MAUI, HAWAII**

Senate Concurrent Resolution 41 requests the authorization to issue a term, nonexclusive easement of sixty-five years, commencing on August 10, 1990, covering a portion of state submerged lands, fronting the property identified as tax map key number: (2) 3-9-011:seaward of 007, Waiohuli-Keokea Homesteads and Beach Lots, Waiohuli-Keokea (Kihei) Wailuku, Maui, Hawaii for the maintenance and repair of the existing seawall constructed thereon, pursuant to Section 171-53, Hawaii Revised Statutes. **The Department of Land and Natural Resources (Department) supports this concurrent resolution.**

The perpetual, non-exclusive easement was originally approved by the Board of Land and Natural Resources (Board) on August 10, 1990 for both parcels 007 and 008 of Tax Map Key (2) 3-9-011. An appraisal prepared in 1990 determined the fair market for the easement to both parcels to be \$4,000.00. The then owner of both parcels paid the consideration and additional fines and charges, but the easement was never formally executed for reasons unknown. Over the years the interest in parcels 007 and 088 were conveyed to different land owners.

In order to finalize the easement and resolve the encroachment, the current owner of parcel 007 requested that the Board approve the change in the applicant from the prior to the current owner. In addition to that change, the Board also reduced the term of the easement from perpetual to 65 years, as well as requiring the applicant obtain legislative approval, both of which conform to

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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

current practice for shoreline encroachment easements. Upon execution, the easement will be retroactive to August 10, 1990. No further consideration or refund will be required of either the State or the owner. As the owner has accepted the Board's action and continues to work with the Department to resolve this encroachment, the Department supports this concurrent resolution.

Thank you for the opportunity to comment on this measure.