

DAVID Y. IGE
GOVERNOR OF HAWAII



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

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

**Testimony of
SUZANNE D. CASE
Chairperson**

**Before the House Committee on
WATER, LAND & HAWAIIAN AFFAIRS**

**Friday, April 12, 2019
10:40 AM
State Capitol, Conference Room 325**

**In consideration of
SENATE CONCURRENT RESOLUTION 164
AUTHORIZING THE AMENDMENT OF A TERM, NON-EXCLUSIVE EASEMENT
COVERING A PORTION OF STATE SUBMERGED LANDS AT SPRECKELSVILLE,
WAILUKU, MAUI, FOR THE EXISTING SEAWALL AND BOULDER REVETMENT
AND FOR USE, REPAIR, AND MAINTENANCE OF THE EXISTING
IMPROVEMENTS CONSTRUCTED THEREON.**

Senate Concurrent Resolution 164 requests the authorization of the amendment of a term, non-exclusive easement of 2,206 square feet, more or less, to cover a portion of state submerged lands identified as tax map key: (2) 3-8-002:seaward of 001, at Spreckelsville, Wailuku, Maui, for the existing seawall and boulder revetment and for the use, repair, and maintenance of the existing improvements 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 (grantee) of the abutting property, Seaview 2004, Inc., worked with the Department to resolve the encroachment of the existing seawall and boulder revetment by the issuance of a long-term easement. The improvements are located on State 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 September 22, 2017, under agenda item D-7, the Board approved the issuance of a term, non-exclusive easement covering an area of 1,128 square feet for purposes stated above. Senate Concurrent Resolution 80, SD1 was obtained from the Legislature in 2018 authorizing the leasing of submerged lands, which was followed by the Governor’s written concurrence as required by law.

Subsequent to the Board approval on September 22, 2017, the Department of Accounting and General Services, Survey Division, finalized the easement map which showed an increase of 1,078 square feet, for a total easement area of 2,206 square feet. At its meeting on December 14,

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CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

ROBERT K. MASUDA
FIRST DEPUTY

M. KALEO MANUEL
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

2018, under agenda item D-12, the Board approved amending the easement area to 2,206 square feet.

The grantee shall pay the State the fair market value of the easement as consideration for the use of public lands. The amount of consideration in the amount of \$81,900.00 has been determined by an independent appraisal.

Thank you for the opportunity to comment on this measure.