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GOVERNOR OF HAWAII



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

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**SUZANNE D. CASE**  
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

**Testimony of  
SUZANNE D. CASE  
Chairperson**

**Before the Senate Committee on  
WATER AND LAND**

**Monday, March 25, 2019  
1:15 PM  
State Capitol, Conference Room 229**

**In consideration of  
SENATE CONCURRENT RESOLUTION 183/SENATE RESOLUTION 137  
AUTHORIZING THE ISSUANCE OF TERM, NON-EXCLUSIVE EASEMENTS  
COVERING PORTIONS OF STATE SUBMERGED LANDS AT WAIHOLI-KEOKEA  
(KIHEI), WAILUKU, MAUI, HAWAII FOR THE USE, MAINTENANCE, AND REPAIR  
OF THE EXISTING SEAWALL CONSTRUCTED THEREON**

Senate Concurrent Resolution 183/Senate Resolution 137 proposes to authorize the issuance of term, non-exclusive easements covering portions of state submerged lands at Waiohuli-Keokea (Kihei), Wailuku, Maui, Hawaii for the use, maintenance, and repair of the existing seawall constructed thereon. **The Department of Land and Natural Resources supports these measures.**

The proposed easements cover a seawall that is located seaward of Tax Map Key (2) 3-9-011:008. The improvements are located on state submerged lands. As required by Section 171-53, Hawaii Revised Statutes, 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". An initial easement covering a portion of the seawall was approved by the Board at its meeting on August 10, 1990, under agenda item F-7. The easement was appraised and payment was made to the State, but the easement document was never executed. Legislative approval for this easement was obtain via Senate Concurrent Resolution 7 in the 2016 Session.

Parcel 008 has further been divided in two condominium units A and B. Furthermore, additional portions of the seawall located mauka and makai of the previously approved easement area were determined to be encroachments. At its meetings on August 25, 2017, under agenda item D-9, and October 12, 2018 under agenda item D-5, the Board approved the issuance of term, non-exclusive easements covering the outstanding encroachment areas for purposes stated above, as

well as housekeeping measures intended to resolve issues raised by dividing parcel 008 into two condominium units.

For the sake of completeness the resolution identifies each of the easements areas seaward of each respective condominium unit, and requests approval of all of the easements. The grantees shall pay the State the fair market value of the easement as consideration for the use of public lands, as determined by independent appraisal.

Thank you for the opportunity to comment on these measures.