

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**

**Monday, June 29, 2020
11:00 AM
State Capitol, Conference Room 325**

**In consideration of
HOUSE CONCURRENT RESOLUTION 31
AUTHORIZING THE ISSUANCE OF A TERM, NON-EXCLUSIVE EASEMENT
COVERING A PORTION OF STATE SUBMERGED LANDS AT WAIOHULI-KEOKEA
HOMESTEADS, KIHEI, MAUI, FOR THE MAINTENANCE OF THE EXISTING
SEAWALL, ROCK REVETMENT, AND STEPS, AND FOR USE, REPAIR, AND
MAINTENANCE OF THE EXISTING IMPROVEMENTS CONSTRUCTED THEREON**

House Concurrent Resolution 31 requests the authorization to issue a term, non-exclusive easement covering 668 square feet, more or less, portion of state submerged lands identified as tax map key: (2) 3-9-012: seaward of 003, at Waiohuli-Keokea Homesteads, Kihei, Maui, for the use, repair, and maintenance of the existing seawall, rock revetment, and steps constructed thereon, pursuant to Section 171-53, Hawaii Revised Statutes (HRS). **The Department of Land and Natural Resources ("Department") supports this Administration concurrent resolution.**

The current owners of the abutting property, Robin M. and Jennifer Downs Kean, Trustees of the Robin M. Kean Revocable Living Trust dated October 1, 2015, and Jennifer Downs Kean and Robin M. Kean, Trustees of the Jennifer Downs Kean Revocable Living Trust dated October 1, 2015, worked with the Department to resolve the encroachment. The improvements were found encroaching 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 meeting on June 9, 2017, under agenda item D-9, the Board approved the issuance of a term, non-exclusive easement of approximately 650 square feet for the seawall and rock revetment, and subsequently at its meeting on April 26, 2019, under agenda item D-6, the Board approved the amendment of the easement to include concrete steps and an increase of the easement area to 668 square feet.

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

The grantee has paid the State the fair market value of the easement, in the amount of \$27,700, as determined by an independent appraisal for the use of public lands.

Thank you for the opportunity to comment on this measure.