

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**

**Friday, June 26, 2020  
12:30 PM  
State Capitol, Conference Room 229**

**In consideration of  
SENATE CONCURRENT RESOLUTION 141  
AUTHORIZING THE ISSUANCE OF A TERM, NON-EXCLUSIVE EASEMENT  
COVERING A PORTION OF STATE SUBMERGED LANDS FOR A RUBBLE ROCK  
REVTMENT, ROCK WALL, AND TWO CONCRETE STAIRWAYS, AND FOR USE,  
MAINTENANCE, REPAIR, REPLACEMENT, AND REMOVAL OF THE EXISTING  
IMPROVEMENTS CONSTRUCTED THEREON**

Senate Concurrent Resolution 141 requests the authorization to issue a term, non-exclusive easement covering 18,668 square feet, more or less, portion of state submerged lands identified as tax map key: (2) 3-9-005: seaward of 001, at Kamaole Beach Lots, Kamaole, Kula, Maui, for the use, maintenance, repair, replacement, and removal of the existing rubble rock revetment, rock wall, and two concrete stairways 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 owners of the abutting property, the Association of Apartment Owners of Hale Pau Hana, worked with the Department to resolve encroachments. 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 March 10, 2011, under agenda item D-4, the Board approved the issuance of a term, non-exclusive easement of approximately 18,668 square feet for the purposes stated above.

The grantee has paid the State the fair market value of the easement, in the amount of \$291,000, as consideration for the use of state lands as determined by an independent appraisal.

Thank you for the opportunity to comment on this measure.

**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