

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
CONSUMER PROTECTION & COMMERCE**

**Friday, March 19, 2021
2:00 PM**

State Capitol, Via Videoconference, Room 329

**In consideration of
HOUSE CONCURRENT RESOLUTION 18
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**

House Concurrent Resolution 18 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 rubble rock revetment, rock wall, and two concrete stairways built in 1980, were all originally built entirely in the government beach reserve. However, a portion of the improvements are on lands located makai of the shoreline and such area should be considered as submerged lands subject to the approval of the Department's Office of Conservation and Coastal Lands (OCCL).

After reviewing submitted documentation, the OCCL determined that the rubble rock revetment is authorized under Revocable Permit S-5834. The stairs are authorized under Revocable Permit S-5835. OCCL suggested an easement for encroachments. They determined that the encroaching structures prevent shoreline erosion and will help to mitigate inland flooding associated with large wave and storm events. Removal of the rubble rock revetment would likely place one of the condominium buildings under immediate threat from erosion. In addition, OCCL determined that public access would be diminished by removal of the stairs.

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

At its meeting on March 10, 2011, under agenda item D-4, the Board of Land and Natural Resources (Board) unanimously approved the issuance of a term, non-exclusive easement for the purposes stated above and there was no public opposition.

The current owners of the abutting property, the Association of Apartment Owners of Hale Pau Hana, are working with the Department to resolve the encroachments through a disposition. As required by Section 171-53, HRS, the Board may lease submerged lands "with the prior approval of the Governor and the prior authorization of the Legislature by concurrent resolution".

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 public lands as determined by an independent appraisal.

Thank you for the opportunity to comment on this measure.