

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**

**Thursday, March 11, 2021  
9:00 AM  
State Capitol, Via Videoconference, Room 430**

**In consideration of  
HOUSE CONCURRENT RESOLUTION 22  
AUTHORIZING THE ISSUANCE OF TERM, NON-EXCLUSIVE EASEMENTS  
COVERING PORTIONS OF STATE SUBMERGED LANDS AT WAIOHULI-KEOKEA  
(KIHEI), WAILUKU, MAUI, FOR THE EXISTING SEAWALL, AND FOR THE USE  
MAINTENANCE, AND REPAIR OF THE EXISTING IMPROVEMENTS  
CONSTRUCTED THEREON**

House Concurrent Resolution 22 requests the authorization to issue term, non-exclusive easements covering a total of approximately 928 square feet, more or less, portion of state submerged lands identified as Tax Map Key (2) 3-9-011:seaward of 008 at Waiohuli-Keokea (Kihei), Wailuku, Maui, for use, maintenance and repair or existing seawall 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 easement covers improvements that were constructed partially on private land and partially on State owned land seaward of the record boundary. The shoreline has since migrated landward, placing the improvements entirely seaward of the shoreline on submerged land. The area seaward of the parcel is identified as a State beach reserve, however, the land appears to be almost consistently underwater, with no beach area remaining. It also appears that most of the adjacent properties along the coastline have been similarly armored.

Parcel 008 consists of two condominium property regime (CPR) units, CPR 0001 and 0002. The owners of both CPR units, Rand 2013 Living Trust, Dated November 25, 2013 and Reconstruct Holdings USA, Inc., have worked with the Department to execute two separate easements for each respective CPR unit. Reconstruct Holdings USA, Inc. has since conveyed its interest in CPR 0002 to Timothy Vaugon Isted. 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". Through multiple approvals, the Board has approved both easements, most recently at its meeting on October 12, 2018 under agenda item D-5. There was no public testimony in opposition.

**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 easement areas have been reviewed and approved by the Department of Accounting and General Services' Survey Division, and fair market values determined by independent appraisal. Both applicants have paid consideration to the State for the easements in the amounts of \$19,700 and \$19,200 for CPR 0001 and 0002, respectively.

Thank you for the opportunity to comment on this measure.

LAND CONSERVATION AND NONPROFITS  
PROPERTY TRANSACTIONS  
LAND USE

TOM PIERCE, ATTORNEY AT LAW  
*A Limited Liability Law Company*

March 10, 2021

**House Committee on Water and Land**

Wednesday, March 11, 2021, 9:00 AM  
State Capitol, Via Videoconference, Conf Rm 430

**Testimony in Support of:**

**HOUSE CONCURRENT  
RESOLUTION 22**

AUTHORIZING THE ISSUANCE OF  
TERM, NON-EXCLUSIVE EASEMENTS  
COVERING PORTIONS OF STATE  
SUBMERGED LANDS AT WAIOHULI-  
KEOKEA, WAILUKU, MAUI, FOR THE  
EXISTING SEAWALL, AND FOR THE  
USE MAINTENANCE, AND REPAIR OF  
THE EXISTING IMPROVEMENTS  
CONSTRUCTED THEREON

Aloha House Water and Land Committee Members:

We ask your Committee to support House Concurrent Resolution 22.

HCR 22 seeks to rectify an old seawall easement that failed to describe all of an old seawall at Halama Street in Kihei Hawai'i that fronts two homes.

The seawall was probably built in the 60s or 70s and is a continuation of a seawall and other continuously hardened shoreline found on adjacent and other shoreline properties along this coastline in Kihei that were developed in the 60s or 70s.

In the 1990s, the prior owners of the two homes obtained a seawall easement from DLNR.

However, a few years ago a survey determined that the toe of the seawall had been omitted. Additionally, due to DLNR's evolving interpretation of the upper wash of the waves, DLNR concluded that additional, higher portions of the old seawall should be included.

The prior and current owners have worked diligently with DLNR to rectify the matter, including they have already paid the additional easement value to DLNR for the easement area proposed by HCR 22.

Approval of HCR 22 will *not* exacerbate shoreline hardening. It will simply rectify past survey errors relating to the old seawall.

Approval of HCR 22 will *not* diminish lateral public access. When the wall was originally built, a smooth capstone was placed on it. Fisherfolk can and do use this lateral accessway.

Thank you for your support of HCR 22.

Very Truly Yours,



Tom Pierce

cc: 1688 Halama Street Owners