

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  
WAYS AND MEANS**

**Thursday, April 15, 2021  
10:00 AM**

**State Capitol, Via Videoconference, Conference Room 211**

**In consideration of  
HOUSE CONCURRENT RESOLUTION 24  
AUTHORIZING THE ISSUANCE OF A TERM, NON-EXCLUSIVE EASEMENT  
COVERING A PORTION OF STATE SUBMERGED LANDS AT WAIOHULI-KEOKEA  
HOMESTEADS AND BEACH LOTS, KIHEI, MAUI, FOR THE EXISTING SEAWALL  
AND ROCK REVETMENT, AND FOR USE, REPAIR, AND MAINTENANCE OF THE  
EXISTING IMPROVEMENTS CONSTRUCTED THEREON**

House Concurrent Resolution 24 requests the authorization to issue a term, non-exclusive easement covering 1,260 square feet, more or less, portion of state submerged lands identified as tax map key: (2) 3-9-010:seaward of 006, at Waiohuli-Keokea Homesteads and Beach Lots, Kihei, Maui, for the use, repair, and maintenance of the existing seawall and rock revetment 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 seawall and most of the revetment was built within the private property. During a recent shoreline certification process it was determined that the seawall and revetment was located makai of the shoreline and is now on state lands. Since the encroachments were found on state lands located makai of the shoreline, 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, OCCL determined that the seawall was authorized by County of Maui Building Permit 85/1435 on August 1, 1985. OCCL supported a disposition through an easement, citing that removal of the subject seawall: would not result in a substantial improvement to beach resources fronting the property because there is a narrow beach fronting the seawall that is submerged during all but the lowest tides; would not improve public access because the adjacent properties are fronted by similar seawalls and narrow beach; and may

**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

destabilize seawalls and lawns at the adjacent properties. In addition, the seawall serves as primary erosion control for potentially threatened upland structures.

At its meeting on July 11, 2014, under agenda item D-3, the Board of Land and Natural Resources (Board) unanimously approved the issuance of a term, non-exclusive easement for the purpose stated above and there was no public opposition.

The owner of the abutting property, Ui Nalu, LLC, is working with the Department to resolve the encroachment. 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 \$71,100, as consideration for the use of public lands as determined by an independent appraisal.

Thank you for the opportunity to comment on this measure.