

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 House Committee on
CONSUMER PROTECTION & COMMERCE**

**Thursday, April 15, 2021
2:00 PM**

State Capitol, Via Videoconference, Conference Room 329

**In consideration of
SENATE CONCURRENT RESOLUTION 16, SENATE DRAFT 1
AUTHORIZING THE ISSUANCE OF TERM, NON-EXCLUSIVE EASEMENTS
COVERING A PORTION OF STATE SUBMERGED LANDS AT WAIOHULI-KEOKEA
(KIHEI), WAILUKU, MAUI, FOR THE EXISTING SEAWALL, AND FOR USE,
MAINTENANCE, AND REPAIR OF THE EXISTING IMPROVEMENTS
CONSTRUCTED THEREON**

Senate Concurrent Resolution 16, Senate Draft 1 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.