

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 Senate Committee on
WAYS AND MEANS**

**Tuesday, March 30, 2021
9:00 AM**

State Capitol, Via Videoconference, Conference Room 211

**In consideration of
SENATE CONCURRENT RESOLUTION 18
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**

Senate Concurrent Resolution 18 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, the OCCL determined that the seawall was authorized by County of Maui Building Permit 85/1435 on August 1, 1985. The 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;

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

and may 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.

SCR-18

Submitted on: 3/28/2021 12:01:37 PM

Testimony for WAM on 3/30/2021 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Sam Lemmo	Testifying for DLNR	Support	No

Comments:

I am available for questions. Please allow me Zoom access. Thank you.

SCR-18

Submitted on: 3/28/2021 12:16:58 PM

Testimony for WAM on 3/30/2021 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Seiko Machida	Testifying for DLNR	Support	No

Comments:

I am available for questions. Please allow me Zoom access. Thank you.