

NEIL ABERCROMBIE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
POST OFFICE BOX 621
HONOLULU, HAWAII 96809

WILLIAM J. AILA, JR.
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

GUY H. KAULUKUKUI
FIRST DEPUTY

WILLIAM M. TAM
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
STATEPARKS

Testimony of
WILLIAM J. AILA, JR
Chairperson

Before the House Committee on
WATER, LAND AND OCEAN RESOURCES

Friday, March 2, 2012
11:00 AM
State Capitol, Conference Room 325

In consideration of
HOUSE CONCURRENT RESOLUTION 23/ HOUSE RESOLUTION 16
AUTHORIZING THE ISSUANCE OF A TERM, NON-EXCLUSIVE EASEMENT
COVERING A PORTION OF STATE SUBMERGED LANDS AT LAHAINA, MAUI,
FOR MAINTENANCE AND REPAIR OF EXISTING DECK AND IMPROVMENTS

House Concurrent Resolution 23 and House Resolution 16 requests the authorization to issue a 65-year term, non-exclusive easement covering a 1,312 square feet, more or less, portion of state submerged lands fronting the property identified as tax map key: (2) 4-5-001: seaward of 004, at Front Street, Lahaina, Maui for maintenance and repair of existing improvements constructed thereon, pursuant to Section 171-53, Hawaii Revised Statutes (HRS). The Department of Land and Natural Resources (Department) support these resolutions.

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". The Board originally approved a twenty year lease of non-exclusive easement at its meeting on October 27, 1989, under agenda item F-12. Pursuant to the Board's decision, Lease for Non-Exclusive Easement S-5217 was executed on August 1, 1991. At its meeting on November 22, 2010, under agenda item D-6, the Board approved the issuance of a new term, non-exclusive easement. In order to comply with Section 171-53, HRS, the Board amended their approval by authorizing a one-year holdover of easement S-5217 at its meeting on July 8, 2011, under agenda item D-8.

The Lessee shall pay the State the fair market value of the easement as consideration for the use of public lands. The amount of consideration shall be determined by independent appraisal.

Thank you for the opportunity to testify.