

NAME	ORGANIZATION/INDIVIDUAL	SUPPORT/OPOSE
CARTY S CHANG	DLNR	SUPPORT
R RAYMOND CABEBE	CHRIST HART & PARTNERS INC	SUPPORT
PAUL GOSSMAN	INDIVIDUAL	SUPPORT
TROY GOSSMAN	INDIVIDUAL	SUPPORT

From: mailinglist@capitol.hawaii.gov
To: [WTLTestimony](#)
Cc: amel.s.chun@hawaii.gov
Subject: Submitted testimony for HCR73 on Apr 20, 2015 14:55PM
Date: Thursday, April 16, 2015 3:56:56 PM
Attachments: [HCR073ProposedSD1_LNR-04-20-15_WTL.pdf](#)

HCR73

Submitted on: 4/16/2015

Testimony for WTL on Apr 20, 2015 14:55PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Carty S. Chang	DLNR	Support	Yes

Comments:

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DAVID Y. IGE
GOVERNOR OF HAWAII



**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES**

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

**Testimony of
CARTY S. CHANG
Interim Chairperson**

**Before the Senate Committee on
WATER AND LAND**

**Monday, April 20, 2015
2:55 PM
State Capitol, Room 224**

**In consideration of
HOUSE CONCURRENT RESOLUTION 73, PROPOSED SENATE DRAFT 1
AUTHORIZING THE ISSUANCE OF A TERM, NON-EXCLUSIVE EASEMENT
COVERING A PORTION OF STATE SUBMERGED LANDS AT LAHAINA, MAUI FOR
SEAWALL ENCROACHMENT PURPOSES AND AUTHORIZING THE ISSUANCE OF A
TERM, NON-EXCLUSIVE EASEMENT FOR THE RIGHT, PRIVILEGE, AND
AUTHORITY TO USE, MAINTAIN, REPAIR, AND REPLACE AN EXISTING SEAWALL
OVER, UNDER, AND ACROSS STATE-OWNED LAND IN LAHAINA, MAUI.**

House Concurrent Resolution 73, Proposed Senate Draft 1 requests the authorization to issue two fifty-five year term, non-exclusive easements. The first is for an estimated 260 square feet, more or less,¹ located seaward of Tax Map Key: (2) 4-5-003:026, at Lahaina, Maui, for seawall encroachment purposes pursuant to Section 171-53, Hawaii Revised Statutes (HRS). The second is for an estimated 2352 square feet, more or less, located seaward of Tax Map Key: (2) 4-5-013:027, at Lahaina, Maui, for the right, privilege, and authority to use, maintain, repair, and replace an existing seawall over, under, and across state-owned land pursuant to Section 171-53, HRS. **The Department of Land and Natural Resources (“Department”) supports this concurrent resolution.**

The current owners of the abutting properties, Paul D. Gossman, as trustee of the Paul D. Gossman Residence Trust, and the Association of Apartment Owners of Lahaina Roads, worked with the Department to resolve the encroachment. The encroachments were identified on state lands located makai of the shoreline and such area should be considered as submerged lands. 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

¹ The easement areas are subject to review and confirmation by the State Surveyor.

CARTY S. CHANG
INTERIM CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

KEKOA KALUHIWA
FIRST DEPUTY

W. ROY HARDY
ACTING 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

concurrent resolution". For both easements, the grantee 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 an independent appraisal.

From: [Raymond Cabebe](#)
To: [WTLTestimony](#)
Cc: [Jordan Hart](#); [Kelli-Rose Hooser](#); [FROW63@aol.com](#)
Subject: Testimony on HCR73 Proposed SD1
Date: Friday, April 17, 2015 4:32:14 PM
Attachments: [HCR73 SD1 Testimony 2015-04-17.pdf](#)

Aloha,

Attached herewith is testimony on HCR73 Proposed SD1. If you have any questions, please feel free to email or call.

Mahalo,

R. Raymond Cabebe, LEED® AP BD+C
Land Planner

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April 17, 2015

TESTIMONY BEFORE THE SENATE
COMMITTEE ON WATER AND LAND

RE: **HCR 73 Proposed SD1**- AUTHORIZING THE ISSUANCE OF A TERM, NON-EXCLUSIVE EASEMENT COVERING A PORTION OF STATE SUBMERGED LANDS AT LAHAINA, MAUI FOR SEAWALL ENCROACHMENT PURPOSES AND AUTHORIZING THE ISSUANCE OF A TERM, NON-EXCLUSIVE EASEMENT FOR THE RIGHT, PRIVELEGE, AND AUTHORITY TO USE, MAINTAIN, REPAIR, AND REPLACE AN EXISTING SEAWALL OVER, UNDER, AND ACROSS STATE-OWNED LAND IN LAHAINA, MAUI. (PROPOSED SD1)

Testifier: Jordan E. Hart, President
Chris Hart & Partners, Inc.

The Honorable Chair Thielen, Vice Chair Galuteria and Members of the Committee:

The owners of the abutting property (Tax Map Key (2) 4-5-013:027, Lahaina, Maui), the Lahaina Roads Association of Apartment Owners (AOAO), have worked with the Department of Land and Natural Resources (DLNR) to resolve the encroachment (approximately 2,352 square feet) for seawall purposes. The encroachment is makai of the shoreline and portions are considered submerged lands. As required by Section 171-53, HRS, the Board of Land and Natural Resources (BLNR) may lease submerged lands "with the prior approval of the Governor and the prior authorization of the Legislature by concurrent resolution." The BLNR approved the lease on July 27, 2012 and the Lahaina Roads AOAO paid the independent appraised value of the encroachment on August 29, 2013 to the DLNR.

I support **House Concurrent Resolution 73 Proposed SD1** and respectfully request authorization by the legislature for the issuance of a term, non-exclusive easement to the Lahaina Roads AOAO.

From: [Paul Gossman](#)
To: [WTLTestimony](#)
Cc: [Kelli-Rose Hooser](#)
Subject: HCR 73 Proposed SD1
Date: Friday, April 17, 2015 8:45:13 PM

Aloha, in regards to HCR 73 Proposed SD1. I have been working towards compliance in regards to the non-exclusive easement for the property in question. I support and request approval. The area in question gives protection to the adjacent property and has been there for many decades as noted in the various documentation.

Moving forward with approval of the issuance of the term of non exclusive easement will be greatly appreciated.

Aloha,
Paul Gossman

1047 Front Street
Lahaina, Hawaii

650 - 303 - 5667

Mailing address for correspondence:
PO Box 1164
Pacifica, CA 94044

From: [Troy Gossman](#)
To: [WTLTestimony](#)
Subject: reference HCR 73 Proposed SD1. 1041 front st,
Date: Friday, April 17, 2015 6:34:36 PM

Aloha, My name is Troy Gossman, I have been trying to create a account & login in to the Capitol Hawaii gov site several times to submit testimony In regards to HCR 73 proposed SD1 for non-exclusive easement for the property in question ([1047 front st.](#)) I support and request approval. The area in question gives protection to the adjacent property and has been there for many decades as noted in the various documentation.

Moving forward with approval of the issuance of the term of a non-exclusive easement will be greatly appreciated. I understand this is not the form that is requested, but since the website is not working properly, I hope you will find this letter acceptable. If you have any questions for my, my phone no. Is [808-298-3493](#). Thank you for your time & help with this matter,

Troy Gossman
[172 holomakani pl.](#)
[Kula, HI. 96790](#)