

DAVID Y. IGE  
GOVERNOR OF HAWAII



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

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HONOLULU, HAWAII 96809

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

**Before the Senate Committee on  
WAYS AND MEANS**

**Wednesday, April 8, 2015  
9:00 AM  
State Capitol, Room 211**

**In consideration of  
SENATE CONCURRENT RESOLUTION 81, 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.**

Senate Concurrent Resolution 81, 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,<sup>1</sup> 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

<sup>1</sup> 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

**DANIEL S. QUINN**  
INTERIM 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.