

From: mailinglist@capitol.hawaii.gov
To: [WTLTestimony](#)
Cc: amel.s.chun@hawaii.gov
Subject: Submitted testimony for SCR81 on Apr 1, 2015 14:45PM
Date: Tuesday, March 31, 2015 10:07:55 AM
Attachments: [SCR081ProposedSD1_LNR_04-01-15_WTL.pdf](#)

SCR81

Submitted on: 3/31/2015

Testimony for WTL on Apr 1, 2015 14:45PM in Conference Room 224

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

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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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**

**Wednesday, April 1, 2015
2:45 PM
State Capitol, Room 224**

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

Senate Concurrent Resolution 81, 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

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.



**CHRIS
HART**
& PARTNERS, INC.

Landscape Architecture
City & Regional Planning

April 1, 2015

TESTIMONY BEFORE THE SENATE
COMMITTEE ON WATER AND LAND

RE: **SCR 81** - 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. (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 **Senate Concurrent Resolution 81** and respectfully request authorization by the legislature for the issuance of a term, non-exclusive easement to the Lahaina Roads AOAO.

From: mailinglist@capitol.hawaii.gov
To: [WTLTestimony](#)
Cc: nightmare.b4.turkeytime@gmail.com
Subject: Submitted testimony for SCR81 on Apr 1, 2015 14:45PM
Date: Wednesday, April 01, 2015 12:42:40 PM

SCR81

Submitted on: 4/1/2015

Testimony for WTL on Apr 1, 2015 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Adam Gossman	Individual	Support	No

Comments: I support the approval for this easement because it is important to my family and myself. This area protects our property from the ocean. It is a small barrier that makes a huge impact in our lives. Thank You.

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From: Paul Gossman
Sent: Wednesday, April 01, 2015 11:56 AM
Subject: Re: SCR 81

Aloha,

In regards to SCR81. I have been working toward 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 a non-exclusive easement will be greatly appreciated.

Aloha,

Paul Gossman
1047 Front st
Lahaina, Hi.
650-303-5667
Mailing address for correspondence ..
P.O. Box 1164,
Pacifica, Ca. 94044