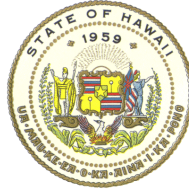


DAVID Y. IGE  
GOVERNOR OF HAWAII



**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  
WATER AND LAND**

**Friday, June 26, 2020  
12:30 PM  
State Capitol, Conference Room 229**

**In consideration of  
HOUSE CONCURRENT RESOLUTION 35  
AUTHORIZING THE ISSUANCE OF A TERM, NON-EXCLUSIVE EASEMENT  
COVERING A PORTION OF STATE SUBMERGED LANDS AT WAIHOLI-KEOKEA  
HOMESTEADS AND BEACH LOTS, KIHAI, MAUI, FOR THE EXISTING SEAWALL  
AND ROCK REVETMENT, AND FOR USE, REPAIR, AND MAINTENANCE OF THE  
EXISTING IMPROVEMENTS CONSTRUCTED THEREON**

Senate Concurrent Resolution 35 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 current owners of the abutting property, Wesley John Hickey and Diane Marie Hickey, worked with the Department to resolve the encroachment. The improvements were found encroaching 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 concurrent resolution". At its meeting on July 11, 2014, under agenda item D-3, the Board approved the issuance of a 55-year term, non-exclusive easement for purpose stated above.

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.

**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