

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 House Committee on
WATER & LAND**

**Thursday, April 14, 2022
8:30 AM**

State Capitol, Conference Room 430, Via Videoconference

**In consideration of
SENATE CONCURRENT RESOLUTION 64, SENATE DRAFT 1
AUTHORIZING THE ISSUANCE OF A TERM, NON-EXCLUSIVE EASEMENT
COVERING A PORTION OF STATE SUBMERGED LANDS AT NAPILI,
KAANAPALI, MAUI, FOR A PORTION OF STAIRS FOR PUBLIC BEACH ACCESS,
AND FOR USE, REPAIR, AND MAINTENANCE OF THE STAIRS CONSTRUCTED
THEREON**

Senate Concurrent Resolution 64, Senate Draft 1, authorizes the issuance of a term, non-exclusive easement covering a portion of State submerged lands at Napili, Kaaanapali, Maui, for a portion of stairs for public beach access, and for use, repair and maintenance of the stairs constructed. **The Department of Land and Natural Resources (Department) supports this resolution.**

The resolution relates to the replacement of a public beach access stairway at Napili Beach, Kaaanapali, Maui. In 2021, Napili Bay and Beach Foundation Inc. (NBBF), a Hawaii non-profit corporation and an Internal Revenue Code Section 501(c)(3) tax exempt organization, applied to the Department for an easement to construct and maintain an elevated beach access stairs and dune walkover on State lands located at Tax Map Keys: (2) 4-3-002:023 por. and 099 por. A portion of the replacement stairs will be located on submerged lands and within the State conservation land use district. Pursuant to Section 171-53, Hawaii Revised Statutes, the easement for the portion of the stairs located on submerged lands requires "the prior approval of the Governor and the prior authorization of the Legislature by concurrent resolution."

In January 2021, the Department's Office of Conservation and Coastal Lands issued a site plan approval for the replacement of the failed concrete stairs with the new access stairs. In February 2021, the County of Maui Department of Planning issued a special management area exemption, shoreline setback approval and environmental assessment exemption for the project.

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

At its meeting of October 22, 2021, under agenda item D-5, the Board of Land and Natural Resources (Board) unanimously approved the issuance of a 25-year term, non-exclusive easement over both submerged and fast lands for the purpose stated above and there was no public opposition. NBBF additionally sought an immediate construction right-of-entry permit (ROE) to allow it to construct the access stairs prior to securing legislative approval for the submerged lands easement. As a condition to approving this request, the Board required NBBF to post a removal bond for the new construction in the event the Legislature did not approve the easement. NBBF posted a bond in the amount of \$55,000 with the Department in satisfaction of this condition.

Thank you for the opportunity to comment on this measure.

SCR-64-SD-1

Submitted on: 4/12/2022 10:14:29 AM

Testimony for WAL on 4/14/2022 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Russell Tsuji	DLNR	Support	Remotely Via Zoom

Comments:

I am available for questions to DLNR. Please allow me Zoom access.

SCR-64-SD-1

Submitted on: 4/12/2022 10:15:29 AM

Testimony for WAL on 4/14/2022 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Calen Miyahara	DLNR	Support	Remotely Via Zoom

Comments:

I am available for questions to DLNR. Please allow me Zoom access.



PO Box 10823
Lahaina, HI 96761

April 12, 2022

To: Committee on Water & Land , Hawaii State Legislature
Re: Senate Concurrent Resolution 64 (SCR64 SD1)
From: Pat B. Lindquist for Napili Bay and Beach Foundation, Inc.

Napili Bay and Beach Foundation (NBBF) supports the amendments made by DLNR Land Division to Senate Concurrent Resolution 64, (SCR64 SD1), scheduled for decision by WAL on April 14, 2022 at 8:30 a.m.

The changes in (SCR64 SD1) will ensure that DLNR and BLNR have the language needed to provide them with legislative approval of an easement for these public beach access stairs.

As noted in the resolution, NBBF was awarded a State Grant in Aid in 2019, for purposes of replacing damaged, old concrete public beach access stairs to the south end of Napili Beach. In July 2019, the old stairs were completely torn off the headland in a heavy south swell event, and NBBF has worked to get architectural and engineering plans in place, obtain all necessary permits to re-build more resilient stairs and path, and get Maui County and private donation funding in place to do this work.

We greatly appreciated the State Legislature support given in 2019, and request your support again.

Mahalo nui loa,

A handwritten signature in black ink that reads "Pat B. Lindquist". The signature is fluid and cursive, with a long horizontal stroke at the end.

We are a non-profit organization formed to protect and improve the health of Napili beach and bay.

Pat B. Lindquist, President

Gregg Nelson, Vice-President

Nane Aluli, Secretary

Norm Runyan, Director

Jamie Lung-Ke'o, Director

Tano Taitano, Director