

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  
WAYS AND MEANS**

**Tuesday, April 5, 2022  
10:40 AM  
State Capitol, Conference Room 211, 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.



PO Box 10823  
Lahaina, HI 96761

April 2, 2022

To: Ways and Means Committee, 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 WAM on April 5, 2022 at 10:40 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 written in a cursive, flowing style.

*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