

DAVID Y. IGE
GOVERNOR OF HAWAII



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

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

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

**Monday, March 30, 2015
9:00 AM
State Capitol, Room 211**

**In consideration of
SENATE CONCURRENT RESOLUTION 25, SENATE DRAFT 1
AUTHORIZING THE ISSUANCE OF A TERM LEASE AND NON-EXCLUSIVE
EASEMENT FOR THE TIDE POOL STAIRS ENCROACHMENT PURPOSES IN THE
MANELE-HULOPOE MARINE LIFE CONSERVATION DISTRICT ON THE ISLAND OF
LANAI**

Senate Concurrent Resolution 25, Senate Draft 1 requests the authorization to issue a term lease of fifty-five years and non-exclusive easement for an estimated 25 square feet, more or less,¹ located seaward of Tax Map Key: (2) 4-9-017:002, at Pulawai, Lanai, for tide pool stairs encroachment purposes, pursuant to Section 171-53, Hawaii Revised Statutes (HRS). **The Department of Land and Natural Resources ("Department") supports this concurrent resolution.**

The current owner of the abutting property, Lanai Resorts, LLC, dba Pulama Lanai, worked with the Department to resolve the encroachment. The encroachment was 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 concurrent resolution". At its meeting on June 13, 2014, under agenda item D-10, the Board approved the issuance of a term, non-exclusive easement for purposes stated above.

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.

¹ The easement area is 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
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