

From: mailinglist@capitol.hawaii.gov
To: [WTLTestimony](#)
Cc: amel.s.chun@hawaii.gov
Subject: Submitted testimony for SCR25 on Mar 18, 2015 14:45PM
Date: Tuesday, March 17, 2015 9:17:32 AM
Attachments: [SCR025_LNR_03-18-15_WTL.pdf](#)

SCR25

Submitted on: 3/17/2015

Testimony for WTL on Mar 18, 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, March 18, 2015
2:45 PM
State Capitol, Room 224**

**In consideration of
SENATE CONCURRENT RESOLUTION 25
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 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
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

From: mailinglist@capitol.hawaii.gov
To: [WTLTestimony](#)
Cc: Leimana.K.Damate@hawaii.gov
Subject: Submitted testimony for SCR25 on Mar 18, 2015 14:45PM
Date: Monday, March 16, 2015 1:34:08 PM
Attachments: [AMAC Testimony SCR25 WTL 31815 Lanai Tide Pool Stairs.docx](#)

SCR25

Submitted on: 3/16/2015

Testimony for WTL on Mar 18, 2015 14:45PM in Conference Room 224

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|--------------------------------|-------------------------------|-------------------------------|
| Leimana DaMate | Aha Moku Advisory Committee | Support | Yes |

Comments:

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**Department of Land and Natural Resources
Aha Moku Advisory Committee
State of Hawaii
Post Office Box 621
Honolulu, Hawaii 96809**

Testimony of
Leimana DaMate
AMAC Executive Director

Before the Senate Committee on Water and Land

Monday, March 18, 2015
2:45 P.M.
State Capitol, Conference Room 224

**In SUPPORT
SCR 25**

BLNR Authorization; Tidal Pool Stairs Encroachment; Pulama Lana'i

SCR 25 authorizes 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 Lana'i.

More commonly known as the "Keiki Pond" located on the lava shelf on eastern cliffs of Hulopo'e, the popular pond was created by dynamite blasted tidal pools in Hulopo'e Bay and built by HAPCo employees during the pineapple strike in 1951. The original steps became a safety hazard and the improved steps installed to maintain what would be a customary access.

In June 2014, the Aha Moku of Lana'i supported Pulama Lana'i in their request before the Board of Land and Natural Resources (BLNR) for a 55-year term, non-exclusive easement for the tide pool stairs encroachment purposes. However, the BLNR request requires the approval of the Governor and prior authorization of the Legislature by concurrent resolution for the leasing of state submerged lands and lands below tidal waters.

The Keiki Pond is considered a historic site by the people of Lana'i is frequently used by the residents and must be accessed by the tide pool stairs. We ask that you protect this area that is so loved by the people of Lana'i. We support the Grant of Term, Non-Exclusive Easement Resolution for the Tide Pool Stairs Encroachment Purposes and ask that it be approved by this committee.

From: mailinglist@capitol.hawaii.gov
To: [WTLTestimony](#)
Cc: lmccrory@pulamalanai.com
Subject: Submitted testimony for SCR25 on Mar 18, 2015 14:45PM
Date: Monday, March 16, 2015 12:12:04 PM
Attachments: [SCR25 Kiddie Stairs Easement WL Hearing 3-18-15 \(3\).docx](#)

SCR25

Submitted on: 3/16/2015

Testimony for WTL on Mar 18, 2015 14:45PM in Conference Room 224

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|-------------------------------|-------------------------------|
| Lynn McCrory | Pulama Lanai | Support | Yes |

Comments:

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Testimony for
Committee on Water and Land
Wednesday, March 18, 2015, 2:45 p.m., Room 224

Senator Laura H. Thielen, Chair
Senator Brickwood Galuteria, Vice Chair

**SCR 25 AUTHORIZING THE ISSUANCE OF A TERM LEASE AND NON-EXCLUSIVE EASEMENT FOR THE
TIDE POOL STAIRS ENCROACHMENT PURPOSES IN THE MANELE-HUILOPOE MARINE LIFE
CONSERVATION DISTRICT, ON THE ISLAND OF LĀNAʻI**

Dear Chair Thielen and Members of the Committee:

This letter is in **STRONG SUPPORT** of SCR25 which authorizes a 55 year term lease and non-exclusive easement for the Tide Pool Stairs (Kiddie Stairs) on Lānaʻi. The Kiddie Stairs were constructed during the ILWU pineapple strike of 1951 for use by Lānaʻi's children to go down to the safe ocean tide pool area. I am Lynn McCrory, Senior Vice President of Government Affairs for Pūlama lanai. Pūlama Lānaʻi is the entity that has been set up to manage the assets and to work with the community and government as we move the island of Lānaʻi toward sustainability.

The kiddie stairs were reconstructed in 2006 and a hand rail was added for additional safety. As the entire stairs were reconstructed, we asked the Office of Conservation and Coastal Lands (OCCL) to confirm if the new stairs would qualify as a non-conforming use. They did and no further permits were required. Our options were to remove the kiddie stairs or apply for the easement. Pūlama Lānaʻi prefers to retain the kiddie stairs because of their historical significance and for the safety of our children. We held a community meeting on this subject and the community submitted testimony in support of the easement to the Board of Land and Natural Resources.

All documents have been submitted to the Land Division to finalize the easement. This Legislative Resolution is the final approval for the easement to be granted.

We humbly ask that you support SCR25. Mahalo!

Me ke aloha pumehana
With warm aloha,

Lynn P. McCrory
Senior Vice President of Government Affairs