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GOVERNOR OF HAWAII



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

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**Testimony of
SUZANNE D. CASE
Chairperson**

**Before the Senate Committee on
WATER AND LAND**

**Wednesday, April 7, 2021
1:00 PM**

State Capitol, Via Videoconference, Conference Room 229

**In consideration of
HOUSE CONCURRENT RESOLUTION 23
AUTHORIZING THE ISSUANCE OF A TERM, NON-EXCLUSIVE EASEMENT
COVERING A PORTION OF STATE SUBMERGED LANDS AT
WAIOHULI-KEOKEA HOMESTEADS, KIHEI, MAUI, FOR THE
EXISTING SEAWALL, ROCK REVETMENT, AND CONCRETE STEPS, AND FOR
USE, REPAIR, AND MAINTENANCE OF THE EXISTING IMPROVEMENTS
CONSTRUCTED THEREON**

House Concurrent Resolution 23 requests the authorization to issue a term, non-exclusive easement covering 668 square feet, more or less, portion of state submerged lands identified as tax map key: (2) 3-9-012:seaward of 003, at Waiohuli-Keokea Homesteads, Kihei, Maui, for the use, repair, and maintenance of the existing seawall, rock revetment and portion of concrete steps constructed thereon, pursuant to Section 171-53, Hawaii Revised Statutes (HRS). **The Department of Land and Natural Resources (Department) supports this concurrent resolution.**

During a recent shoreline certification process it was determined that the revetment and a portion of the seawall and concrete stairs were located makai of the shoreline and are on State lands. Since the revetment and a portion of the seawall and concrete steps were found on State land located makai of the shoreline, such area should be considered as submerged lands subject to the approval of the Department's Office of Conservation and Coastal Lands (OCCL).

After reviewing submitted documentation, the OCCL determined that the seawall was legally constructed on government beach land in 1969. The OCCL supported a disposition through an easement. OCCL noted that there is little to no beach fronting the subject property and public access is limited due to extensive beach loss and shoreline armoring. Their conclusion was that the seawall easement would have no discernable effect on beach and recreational resources and would not act as a detriment to public access. Removal of the seawall may destabilize seawalls and revetments at adjacent properties, potentially threatening upland structures.

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 meetings on June 9, 2017, under agenda item D-9, and April 26, 2019, under agenda item D-6, the Board of Land and Natural Resources (Board) unanimously approved the issuance of a term, non-exclusive easement for the purpose stated above and there was no public opposition.

The owners of the abutting property, Andrew J. Guzzo and Paisly Hannah Bender, are working with the Department to resolve the encroachment. As required by Section 171-53, HRS, the Board may lease submerged lands "with the prior approval of the Governor and the prior authorization of the Legislature by concurrent resolution".

The previous owners paid the State the fair market value of the easement, in the amount of \$27,700, as consideration for the use of public lands as determined by an independent appraisal.

Thank you for the opportunity to comment on this measure.