

LATE TESTIMONY

LINDA LINGLE
GOVERNOR OF HAWAII



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

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**Testimony of
LAURA H. THIELEN
Chairperson**

**Before the House Committee on
WATER, LAND, & OCEAN RESOURCES**

**Wednesday, April 15, 2009
9:00 AM
State Capitol, Conference Room 325**

**In consideration of
HOUSE CONCURRENT RESOLUTION 146/HOUSE RESOLUTION 116
REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES AND
THE CITY AND COUNTY OF HONOLULU TO AGREE TO A FINAL
DETERMINATION REGARDING THE OWNERSHIP AND JURISDICTION OF AN
UNIMPROVED SECTION OF KAIMAKANI STREET**

House Concurrent Resolution 146/House Resolution 116 requests the Department of Land and Natural Resources (Department) and the City and County of Honolulu (City) to agree to a final determination regarding the ownership and jurisdiction of an unimproved section of Kaimakani Street. While the Department does not object to additional discussions with the City regarding Kaimakani Street, the Department continues to maintain its position that the unimproved parcel is owned by and under the jurisdiction of the City. The Department, therefore, believes these resolutions are unnecessary.

Act 288, Session Laws of Hawaii (SLH) 1993, amended section 264-3, Hawaii Revised Statutes (HRS), by clarifying the remittal of the proceeds generated from the sale of abandoned highway to the federal highway agency should necessity arises. The Act did not alter or change the definition of public highways as defined in section 264-1, HRS. Moreover, Resolution No. 93-287 of the City is an acceptance of "all county highways as defined in section 264-1, HRS", while acknowledging the intent of Act 288, SLH 1993.

The Department's position is adequately represented in the correspondences mentioned in these resolutions. Moreover, the Department does not have the resources to maintain a public highway and lands reserved for such uses, in addition to the limited resources it has for performing its core mission of preserving and protecting the State's natural resources and responsibly managing its public lands, especially in these difficult economic times. The City's Department of Facility Maintenance, however, does possess personnel and equipment necessary for the proper repair and maintenance of public highways and lands reserved for such uses. The Department believes

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CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

the interests of the community would be best served by ensuring that the government agency best suited to perform repair and maintenance activities on public lands do so.