

NEIL ABERCROMBIE  
GOVERNOR OF HAWAII



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

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

**Testimony of**  
**WILLIAM J. AILA, JR**  
**Chairperson**

**Before the House Committee on**  
**FINANCE**

**April 21, 2011**  
**1:30 PM**  
**State Capitol, Conference Room 308**

**In consideration of**  
**SENATE CONCURRENT RESOLUTION 2, SENATE DRAFT 1**  
**AUTHORIZING THE ISSUANCE OF A NON-EXCLUSIVE EASEMENT COVERING A**  
**PORTION OF STATE SUBMERGED LANDS PURSUANT TO SECTION 171-53,**  
**HAWAII REVISED STATUTES, RELATING TO RECLAMATION AND DIPOSITION**  
**OF SUBMERGED OR RECLAIMED PUBLIC LAND**

Senate Concurrent Resolution 2, Senate Draft 1 authorizes the Department of Land and Natural Resources (Department) to issue a fifty-five (55) year, term, non-exclusive easement to Christine K. Ho, as Trustee of that certain unrecorded Trust established under the Living Trust Declaration of Christine K. Ho, dated January 15, 1988 (and amendments thereto) for a portion of State submerged land, consisting of 130 square feet.

The subject seawall encroachment was discovered during the shoreline certification process filed by the previous owner, Mr. Stanley Dunn. The Office of Conservation and Coastal Lands has determined that removal of the seawall encroachment will not improve beach resources or enhance public access. The Board of Land and Natural Resources at its meeting of February 9, 2007, under agenda Item D-6 and June 10, 2010, under agenda Item D-12, authorized the granting of the fifty-five (55) year, term, non-exclusive easement.

The Department hired ACM Consultants, Inc., which determined as of June 10, 2010, the one-time payment, fair market value of the seawall encroachment is \$10,870.

The Department supports this measure. Adoption of this concurrent resolution will allow the Department to issue the fifty-five (55) year, term, non-exclusive easement to Ms. Christine K. Ho.

WILLIAM J. AILA, JR.  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT

GUY H. KAULUKUKUI  
FIRST DEPUTY

WILLIAM M. TAM  
DEPUTY DIRECTOR - WATER

AGRICULTURE  
BOATING AND OCEAN RECREATION  
BUREAU OF CONVEYANCES  
COMMISSION ON WATER RESOURCE MANAGEMENT  
CONSERVATION AND COASTAL LANDS  
CONSERVATION AND RESOURCES DEVELOPMENT  
ENGINEERING  
FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KAIHOLOAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

*Christine K. Ho Ph.D.*

Clinical Psychologist  
303 Front Street  
Lahaina, HI 96761  
Tel: 808:661-0864  
ckho@aol.com

April 21, 2010

**Re: Hawaii State Legislature 2011 Regular Session: SCR2 SD1: Authorizing the issuance of a non-exclusive easement covering a portion of state submerged lands pursuant to section 17153, Hawaii revised statutes, relating to reclamation and disposition of submerged or reclaimed public land for the following property.**

**Christine Ho, Owner**

**303 Front Street , Lahaina, HI**

**TMK# (2)4-6-003:Seaward 005**

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Aloha Representative Lee:

Thank you for taking time to hear my testimony regarding authorizing the issuance of a non-exclusive easement covering a portion of state submerged lands pursuant to section 17153, Hawaii revised statutes, relating to reclamation and disposition of submerged or reclaimed public land for my home. I know your time is precious. I appreciate that you are hearing this bill in order for me to remodel my home.

My name is Christine Ho. My partner, Dan Regan has rented 303 Front Street for over 15 years. He has run Regan Electric, an electrical contracting company from the home. I bought the house around 5 years ago, planning to remodel for us to live in. The house is very run down. We would like to remodel the house to bring the house into present day building codes and environmental and utility efficiencies such as low wattage lights, water saving devices such as low flow toilets, shower heads, and solar panels.

In order for us to receive a remodel permit, we need to obtain a **Certified State Shore Line Survey** on our seawall. We need your approval on the resolution for the 55 year non-exclusive easement covering a portion of state submerged lands in order for us to be able to remodel our home. We have been working to get approval for this permit for over 5 years.

The Department of Land and Natural Resources, Land Division- Maui Office has approved our request for a term easement for seawall purposes on June 14, 2010. The seawall is historic but it is not located in Historic District 1 or 2 of Lahaina. The historical documents date it to be at least 50 years old. The height and breadth of the wall's dimensions are consistent with the adjoining neighbor's seawalls. The old

stone materials are all similar. These walls were built to the surveying standards of the era. According to the state's recent appraisal, 130 sq. ft. encroaches by submergence into the ocean.

We have already paid the State of Hawaii the following fees:

- \$10,870 for the 55 year non exclusive easement lease
- \$1500 appraisal fee
- \$500 fine for the encroachment
- \$412.71 ad fee for the public notice required pursuant to Section 171-16, HRS

We are requesting that **you approve this resolution for a 55 year non-exclusive easement** covering a portion of state submerged lands pursuant to section 17153, HRS; relating to the reclamation and disposition of submerged or reclaimed public land abutting the property at 303 Front Street in Lahaina.

We thank you in advance for considering our request.

Mahalo,

Christine K. Ho, Ph.D.

Christine K. Ho, Ph.D.  
Clinical Psychologist

Dan Regan,  
Regan Electric  
303 Front Street  
Lahaina, HI 96761  
dregan2261@aol.com 808-661-0864

April 21, 2011

**Re: Hawaii State Legislature 2011 Regular Session:SCR2 SD1: Authorizing the issuance of a non-exclusive easement covering a portion of state submerged lands pursuant to section 17153, Hawaii revised statues, relating to reclamation and disposition of submerged or reclaimed public land for the following property.**

**Christine Ho, Owner**

**303 Front Street , Lahaina, HI**

**TMK# (2)4-6-003:Seaward 005**

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Aloha Representative Lee:

My name is Dan Regan. I am Christine Ho's my domestic partner. I have rented month to month and lived in 303 Front Street for over 15 years. I have also run my electrical contracting business, Regan Electric, from the house during the last 15 years. The house is termites and bugs infested by years of neglect by my landlords. One of my roommates died of marine typhus in the house. It has a leaky roof; the structure is unsafe. It is an eye sore on Front Street. Christine Ho bought this house four years ago in hope that we can remodel and update to bring it into present day conformance, to present day building codes and environmental and utility efficiencies. This will also improve the sights and value of our neighborhood.

I ask you to approve this resolution for a 55-year non-exclusive easement. This would allow us to remodel and update the house. I thank you in advance for considering our request.

Mahalo,

Dan Regan

Dan Regan,  
Owner, Regan Electric

Christopher Breckels  
864 Hokeo Street  
Lahaina, HI 96761

April 21, 2011

**Re: Hawaii State Legislature 2011 Regular Session:SCR2 SD1: Authorizing the issuance of a non-exclusive easement covering a portion of state submerged lands pursuant to section 17153, Hawaii revised statues, relating to reclamation and disposition of submerged or reclaimed public land for the following property.**

**Christine Ho, Owner**  
**303 Front Street , Lahaina, HI**  
**TMK# (2)4-6-003:Seaward 005**

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Aloha Representative Lee:

My name is Christopher Breckels. I am a resident of Lahaina for 28 years. I often visited 303 Front Street as my good friend of Dan Regan and some time employer lived in that house

I ask you to approve this resolution for a 55-year non-exclusive easement. Remodeling and updating 303 Front Street would improve the quality of the neighborhood.

I thank you in advance for considering our request.

Mahalo,

Christopher Breckels

Christopher Breckels



## Tom & Chris Brayton

450 Front Street

Lahaina, Maui, HI 96761

Home: 808.667.2762 • Cell: 808.276-0292

E-Mail: TBrayton@Mac.com • E-Fax: 206.222-2866

February 14, 2011

Aloha,

The purpose of this letter is to support Christine Ho's efforts for a 55 year non-exclusive easement covering a portion of state submerged lands pursuant to section 17153, HRS, relating to the reclamation and disposition of submerged or reclaimed public land abutting the property at 303 Front Street in Lahaina.

My wife and I are former owners of the property; we are the third owner to attempt to get the seawall certified over the last 7 or more years. Each of us has spent thousands of dollars and numerous hours trying to resolve the issue so the historic seawall can be maintained and the dwelling on the property can be restored. Without seawall certification a building permit can not be issued to improve the existing dwelling.

Some background notes:

- The seawall was probably built in the 1920's, or before.
- It was built to the surveying standards of that time. The builders probably thought they were building the wall on their property.
- Only a small area of the seawall encroaches onto State property. The State measures from the base of the wall where it flares out to provide structural support. Very little of the top of the seawall encroaches.
- Since the wall is over 50 years old, according to the DLNR the wall itself is deemed an "historic archaeological property" that should be protected and preserved.
- Also according to the DLNR "removal of the improvements would have a negative effect on the private property due to the eventual undermining of any structures in the vicinity of the wall". They further stated: "Removal of the improvements would have a negative impact on the surrounding parcels due to the potential for acouring and breahing of the neighboring seawalls."

I urge you to approve the easement requested for the seawall at 303 Front St.

Sincerely,  
Thomas Brayton

February 11, 2011

**Re: Hawaii State Legislature 2011 Regular Session: SCR2: Authorizing the issuance of a non-exclusive easement covering a portion of state submerged lands pursuant to section 17153, Hawaii revised statutes, relating to reclamation and disposition of submerged or reclaimed public land for the following property.**

**Christine Ho, Owner**

**303 Front Street , Lahaina, HI**

**TMK# (2)4-6-003:Seaward 005**

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Aloha Senator Dela Cruz:

As a previous owner of this property and being familiar with the 130 sq.ft. encroachment I would like to offer my support for authorizing the easement.

I am requesting that you vote to approve this resolution for a 55 year non-exclusive easement covering a portion of state submerged lands pursuant to section 17153, HRS, relating to the reclamation and disposition of submerged or reclaimed public land abutting the property at 303 Front St in Lahaina.

Mahalo for your support in considering the request for Christine Ho.

Sincerely,

  
Stanley Dunn

1045 Front St.

Lahaina, Hi 96761