

SCR2,SD1

Testimony

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 Senate Committee on
JUDICIARY AND LABOR**

**Monday, March 28, 2011
9:30 AM
State Capitol, Conference Room 016**

**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 DISPOSITION
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

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: [Christine Ho](#)
To: [JDLTestimony](#)
Cc: [Thomas Brayton](#)
Subject: Fwd: Support For SCR2
Date: Saturday, March 26, 2011 11:01:09 AM

Begin forwarded message:

From: Tom and Chris Brayton <alarmist@mac.com>
Date: March 25, 2011 10:04:41 PM HST
To: Ho Christine <CKHo@aol.com>
Subject: Support For SCR2

To whom it may concern,

This email is to support SCR2, Christine Ho's request for an easement for the historic seawall in front of her home at [303 Front Street in Lahaina](#).

My wife and I used to own that property so we are aware of the necessity of obtaining the easement lease.

Some facts that you may not be aware of regarding the seawall:

- The seawall is historic, it has been there longer than anyone alive can remember.
- The seawall was built to the surveying standards of the time and very little of it encroaches into the ocean.
- Support of SCR2 a last step in a costly multi-year effort to get certification for the seawall by three property owners.
- Without seawall certification, a building permit cannot be issued to remodel the existing home or build a new one.

Regarding the current structure at [303 Front Street](#):

- The home at [303 Front Street](#) needs to be restored, or replaced with a new home. The termite damage is severe, maybe beyond repair. Structurally, the building may be on its last legs.
- The existing structure is not an appropriate design. It is an eyesore on historic Front Street.
- A new building, appropriately designed to fit into the historic nature of Front Street would be an asset to the neighborhood. (We live elsewhere on Front Street in a home that is listed on the Hawaii Register of Historic Places and would not support the demolition of the current home if it was worth saving.)

Please help Christine Ho by supporting SCR2.

Sincerely,

Thomas Brayton

Tom & Chris Brayton

[450 Front Street](#)

[Lahaina, Maui, Hawaii 96761](#)

Phone: [\(808\) 667-2762](#)

Cell: [\(808\) 276-0292](#)

E-Fax: [\(206\) 222-2866](#)

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Christine K. Ho Ph.D.

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

March 25, 2010

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 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

Aloha Senator Hee:

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 statues, 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.
Clinical Psychologist

Christopher Breckels
864 Hokeo Street
Lahaina, HI 96761

March 22, 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 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

Aloha Senator Hee:

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

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

March 22, 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 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

Aloha Senator Hee:

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,
Owner, Regan Electric

3-22-2011

March 23,2011

Re: JDL Committee

SCR2 : 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
TMLK# (2)4-6-003: Seaward 005

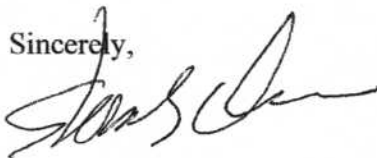
Aloha Sentor Hee:

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