

DAVID Y. IGE
GOVERNOR OF HAWAII



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

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

**Testimony of
SUZANNE D. CASE
Chairperson**

**Before the House Committees on
OCEAN, MARINE RESOURCES, & HAWAIIAN AFFAIRS
And
WATER & LAND**

**Wednesday, March 23, 2016
10:30 AM
State Capitol, Conference Room 325**

**In consideration of
HOUSE CONCURRENT RESOLUTION 27
AUTHORIZING THE ISSUANCE OF A TERM, NON-EXCLUSIVE
EASEMENT COVERING A PORTION OF STATE SUBMERGED LANDS AT
KUKUIULA, KOLOA, KAUAI, FOR THE MAINTENANCE AND REPAIR OF THE
EXISTING ROCK SEAWALL, AND FOR THE USE, MAINTENANCE, AND REPAIR
OF THE EXISTING IMPROVEMENTS CONSTRUCTED THEREON**

House Concurrent Resolution 27 requests the authorization to issue a term, non-exclusive easement for an estimated 535 square feet, more or less, located on state submerged lands identified as tax map key (4) 2-6-012:seaward of 001, at Kukuiula, Koloa, Kauai, for the maintenance and repair of the existing rock seawall and for the use, maintenance, and repair of the existing improvements constructed thereon, 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 landward property, David G. Jorgensen and Annette Thatcher Jorgensen, Trustees of the David and Annette Jorgensen Revocable Trust, 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". The Department notes a minor correction, that the Board approved the issuance of a term, non-exclusive easement for purposes stated above at its meeting on November 14, 2014, under agenda item D-2, not December 12, 2014 as noted in the resolution.

SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

KEKOA KALUHIWA
FIRST DEPUTY

JEFFREY T. PEARSON, P.E.
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

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.

To: COMMITTEE ON OCEAN, MARINE RESOURCES, & HAWAIIAN AFFAIRS/
COMMITTEE ON WATER & LAND

DATE: Wednesday, March 23, 2016
TIME: 10:30 a.m.
PLACE: Conference Room 325

Subject: HCR 27

Honorable Chair Yamane and Honorable Representatives,

Testimony in favor of HCR 27 -

AUTHORIZING THE ISSUANCE OF A TERM, NON-EXCLUSIVE EASEMENT COVERING A PORTION OF STATE SUBMERGED LANDS AT KUKUIULA, KOLOA, KAUAI, FOR THE MAINTENANCE AND REPAIR OF THE EXISTING ROCK SEAWALL, AND FOR THE USE, MAINTENANCE, AND REPAIR OF THE EXISTING IMPROVEMENTS CONSTRUCTED THEREON.

Dennis M. Esaki of Esaki Surveying & Mapping, Inc. testimony in favor of HCR 27.

The existing rock wall was built legally based on an approved shoreline survey at that time. This request for an easement is a result of the change in defining the high water mark by the state, ie, the highest splash of the waves onto the wall (not including storms). By definition, anything below the said splash of the waves is called "Submerged Land" when in fact it is not submerged.

No work is being proposed along shoreline wall.

Approval of this easement will allow the landowner to construct improvements to his house.

Your approval is respectfully requested.

Respectfully,
Dennis M. Esaki