

DAVID Y. IGE
GOVERNOR OF HAWAII



SUZANNE D. CASE
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COMMISSION ON WATER RESOURCE MANAGEMENT

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STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

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Testimony of
SUZANNE D. CASE
Chairperson

Before the Senate Committee on
WAYS AND MEANS

Wednesday, March 14, 2016
9:00 AM
State Capitol, Conference Room 211

In consideration of
SENATE CONCURRENT RESOLUTION 14
AUTHORIZING THE ISSUANCE OF A TERM, NON-EXCLUSIVE EASEMENT
COVERING A PORTION OF STATE SUBMERGED LANDS AT KAIPAPAU,
KOOLAULOA, OAHU, FOR THE MAINTENANCE AND REPAIR OF THE EXISTING
ROCK SEAWALL, AND FOR USE, REPAIR, AND MAINTENANCE OF THE
EXISTING IMPROVEMENTS CONSTRUCTED THEREON

Senate Concurrent Resolution 14 requests the authorization to issue a term, non-exclusive easement covering 350 square feet, more or less, on a portion of state submerged lands fronting the property identified as tax map key: (1) 5-4-003:seaward of 035, at Kaipapau, Koolauloa, Oahu for the use, repair, and maintenance of the existing rock seawall constructed thereon, pursuant to Section 171-53, Hawaii Revised Statutes (HRS). **The Department of Land and Natural Resources (Department) supports this Administration concurrent resolution.**

The current owners of the abutting property, August and Veronica Monge, worked with the Department to resolve the encroachment. The improvements were found encroaching 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". At its meeting on July 10, 2015, under agenda item D-7, the Board approved the issuance of a term, non-exclusive easement for purposes stated above.

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.