



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

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Testimony of
SUZANNE D. CASE
Chairperson

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

Thursday, April 14, 2016
10:45 AM
State Capitol, Room 325

In consideration of
SENATE CONCURRENT RESOLUTION 16
AUTHORIZING THE ISSUANCE OF A TERM, NON-EXCLUSIVE EASEMENT
COVERING A PORTION OF STATE SUBMERGED LANDS AT WAIKIKI,
HONOLULU, OAHU, FOR THE MAINTENANCE AND REPAIR OF THE EXISTING
SEAWALL AND STEPS, AND FOR USE, REPAIR, AND MAINTENANCE OF THE
EXISTING IMPROVEMENTS CONSTRUCTED THEREON

Senate Concurrent Resolution 16 requests the authorization to issue a term, non-exclusive easement covering 37 square feet¹, more or less, on a portion of state submerged lands fronting the property identified as tax map key: (1) 3-6-001:seaward of 042, at Waikiki, Honolulu, Oahu for the use, repair, and maintenance of the existing seawall and steps 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, Dustin and Lisa Sellers, 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

¹ The homeowner's surveyor has been instructed to submit a corrected shoreline certification map, showing the actual encroachment area, subject to the review and approval of the shoreline certification staff and the State Surveyor. The exact encroachment area and easement may exceed the estimated 37 square feet.

Legislature by concurrent resolution". At its meeting on April 10, 2015, under agenda item D-8, 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