



STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES

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HONOLULU, HAWAII 96809

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 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 feet<sup>1</sup>, 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 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.

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<sup>1</sup> 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.

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.

Thank you for the opportunity to provide testimony.