

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 Senate Committee on  
WAYS AND MEANS**

**Wednesday, March 14, 2016  
9:00 A.M.  
State Capitol, Conference Room 211**

**In consideration of  
SENATE CONCURRENT RESOLUTION 17, SENATE DRAFT 1  
AUTHORIZING THE ISSUANCE OF A TERM, NON-EXCLUSIVE EASEMENT  
COVERING A PORTION OF STATE SUBMERGED LANDS AT MAKAHA,  
WAIANA, OAHU, FOR THE MAINTENANCE AND REPAIR OF THE EXISTING  
SEAWALL, AND FOR USE, REPAIR, AND MAINTENANCE OF THE EXISTING  
IMPROVEMENTS CONSTRUCTED THEREON**

Senate Concurrent Resolution 17, Senate Draft 1 requests the authorization to issue a term, non-exclusive easement covering 321 square feet, more or less, on a portion of state submerged lands fronting the property identified as tax map key: (1) 8-4-005: seaward of 002, at Makaha, Waianae, Oahu for the use, repair, and maintenance of the existing 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 owner of the abutting property, West Coast Roofing, Inc., worked with the Department to resolve the encroachment. Subsequent to the adoption of the Senate Concurrent Resolution 105 in May 2013 for an encroaching area of 131 square feet, other portions of the same seawall encroaching on state land at the subject location were exposed pursuant to a subsequent shoreline certification process, and the total encroaching area was then determined to be 321 square feet.

The encroaching areas 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

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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

approval of the Governor and the prior authorization of the Legislature by concurrent resolution".

The Department requests the Committee's support. Thank you for the opportunity to provide testimony.