

SCR 17

DAVID Y. IGE
GOVERNOR OF HAWAII



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

POST OFFICE BOX 621
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**Testimony of
SUZANNE D. CASE
Chairperson**

**Before the Senate Committee on
WATER, LAND, AND AGRICULTURE**

**Wednesday, March 2, 2016
2:45 PM
State Capitol, Conference Room 224**

**In consideration of
SENATE CONCURRENT RESOLUTION 17
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 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 approval of the Governor and the prior authorization of the Legislature by concurrent

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

resolution". At its meeting on January 11, 2013, under agenda item D-14, the Board approved the issuance of a term, non-exclusive easement for purposes stated above.

The Department hired the appraisal firm of Appraisal Hawaii, Inc. who determined the one-time payment fair market value of the easement is \$3,000 for the original 131 square feet encroachment. Subsequent to the discovery of the additional encroaching area, the Chairperson approved the use of the same unit rate adopted in such appraisal for the entire encroachment of 321 square feet in a total amount of \$7,351 as the one-time payment fair market value of the requested easement. Accordingly, the Department respectfully requests an amendment to page 2 of the concurrent resolution. Lines 6 through 9 on page 2 should be deleted and replaced with the following:

WHEREAS, the grantee shall pay the State the amount of \$7,351 covering the total encroachment area of 321 square feet as consideration for the use of public lands; and

Thank you for the opportunity to provide testimony.

From: mailinglist@capitol.hawaii.gov
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Cc: rkailianu57@gmail.com
Subject: *Submitted testimony for SCR17 on Mar 2, 2016 14:45PM*
Date: Saturday, February 20, 2016 9:16:05 PM

SCR17

Submitted on: 2/20/2016

Testimony for WLA on Mar 2, 2016 14:45PM in Conference Room 224

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Rachel L. Kailianu | Ho`omana Pono, LLC | Support | Yes |

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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