

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

**Tuesday, March 21, 2017
9:35 AM
State Capitol, Conference Room 312**

**In consideration of
HOUSE CONCURRENT RESOLUTION 60
AUTHORIZING THE AMENDMENT OF A TERM, NON-EXCLUSIVE EASEMENT
COVERING A PORTION OF STATE SUBMERGED LANDS AT MAUNALUA,
HONOLULU, OAHU, FOR THE MAINTENANCE AND REPAIR OF PORTIONS OF
THE EXISTING CHANNEL, CONCRETE SURGE BREAK OR BREAKWATER,
SEAWALL, STEP, AND FILLED LAND, AND FOR USE, REPAIR, AND
MAINTENANCE OF THE EXISTING IMPROVEMENTS CONSTRUCTED THEREON**

House Concurrent Resolution 60 requests the amendment of a term, non-exclusive easement covering an additional area of 3,503 square feet, more or less, on a portion of state submerged lands fronting the property identified as tax map key: (1) 3-9-026:seaward of 044, 045, and 048 at Maunalua, Honolulu, Oahu for the use, repair, and maintenance of portions of the existing channel, concrete surge break or breakwater, seawall, step, and filled land constructed thereon, pursuant to Section 171-53, Hawaii Revised Statutes (HRS). **The Department of Land and Natural Resources (Department) supports this concurrent resolution.**

The current owner of the abutting property, Evershine II L.P., worked with the Department to resolve the encroachment. The original easement issued in 2003 was subsequently amended in 2008 by an additional 384 square feet. Subsequent to a recent shoreline certification process, other portions of improvements encroaching on state land were identified, and the additional area is about 3,503 square feet.

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

The additional 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 may lease submerged lands "with the prior approval of the Governor and the prior authorization of the Legislature by concurrent resolution".

The owner shall pay the State the fair market value of the additional encroaching area in the amount of \$130,000 as determined by an independent appraisal.

Thank you for the opportunity to comment on this measure.

From: mailinglist@capitol.hawaii.gov
Sent: Saturday, March 18, 2017 1:02 PM
To: omhtestimony
Cc: mendezj@hawaii.edu
Subject: *Submitted testimony for HCR60 on Mar 21, 2017 09:35AM*

HCR60

Submitted on: 3/18/2017

Testimony for OMH/WAL on Mar 21, 2017 09:35AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
Javier Mendez-Alvarez	Individual	Oppose	No

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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