

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**

**Monday, April 3, 2017
1:35 PM
State Capitol, Conference Room 211**

**In consideration of
SENATE CONCURRENT RESOLUTION 120, SENATE DRAFT 1
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 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**

Senate Concurrent Resolution 120, Senate Draft 1 requests the amendment of a term, non-exclusive easement covering an additional area of 3,503 square feet, more or less, on 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, and for the use, repair, and maintenance of the existing improvements 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 3,503square feet.

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 (Board) may lease submerged lands "with

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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

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.