

DAVID Y. IGE  
GOVERNOR OF HAWAII



SUZANNE D. CASE  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT

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FIRST DEPUTY

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DEPUTY DIRECTOR - WATER

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LAND  
STATE PARKS

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

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**Testimony of  
SUZANNE D. CASE  
Chairperson**

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

**Wednesday, March 8, 2017  
2:45 PM  
State Capitol, Conference Room 224**

**In consideration of  
SENATE CONCURRENT RESOLUTION 44  
AUTHORIZING THE AMENDMENT OF A TERM, NON-EXCLUSIVE EASEMENT  
COVERING A PORTION OF STATE SUBMERGED LANDS AT KAILUA,  
KOOLAUPOKO, OAHU, FOR THE SEAWALL AND BOAT RAMP, AND FOR THE  
USE, REPAIR, AND MAINTENANCE OF THE EXISTING IMPROVEMENTS  
CONSTRUCTED THEREON**

Senate Concurrent Resolution 44 requests the authorization of the amendment of a term, non-exclusive easement regarding additional 328 square feet, more or less, on a portion of state submerged lands fronting the property identified as tax map key: (1) 4-3-005: seaward of 094, at Kailua, Koolauoko, Oahu for the use, repair, and maintenance of the existing seawall and boat ramp 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, Elizabeth Rice Grossman Family Trust, worked with the Department and obtained a 55-year non-exclusive easement for seawall and boat ramp purposes in 2006. Subsequent to the adoption of a certified shoreline in 2016, an additional 328 square feet was 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 May 27, 2016, under agenda item D-13, the Board approved to amend the term, non-exclusive easement by incorporating the additional encroachment area, subject to a payment of the fair market value of the additional area, which was determined as \$33,584. Current owner paid the required consideration accordingly.

Thank you for the opportunity to comment on this measure.