

DAVID Y.  
IGEGOVERNOR  
OF HAWAII



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

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BOATING AND OCEAN RECREATION  
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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 House Committees on  
OCEAN, MARINE RESOURCES, & HAWAIIAN AFFAIRS  
and  
WATER AND LAND

Thursday, April 13, 2017  
11:40 AM  
State Capitol, Conference Room 325

In consideration of  
SENATE CONCURRENT RESOLUTION 50, SENATE DRAFT 1  
AUTHORIZING THE AMENDMENT OF A TERM, NON-EXCLUSIVE EASEMENT  
COVERING A PORTION OF STATE SUBMERGED LANDS AT WAIKIKI,  
HONOLULU, OAHU, FOR THE SEAWALL AND BOAT RAMP, AND FOR THE USE,  
REPAIR, AND MAINTENANCE OF THE EXISTING IMPROVEMENTS  
CONSTRUCTED THEREON

Senate Concurrent Resolution 50, Senate Draft 1 requests the authorization to issue a term, non-exclusive easement covering 331<sup>1</sup> square feet, more or less, on a portion of state submerged lands fronting the property identified as tax map key: (1) 3-6-001:seaward of 036, at Waikiki, Honolulu, Oahu for the use, repair, and maintenance of the existing pier and seawall constructed thereon, pursuant to Section 171-53, Hawaii Revised Statutes (HRS). **The Department of Land and Natural Resources (Department) supports this concurrent resolution.**

The owner of the abutting property, Brigitte J. Coley Trust, worked with the Department to resolve the encroachment, passed away recently. The improvements 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 resolution". At its meeting on March 11, 2016, under agenda

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<sup>1</sup> Latest survey by the Department of Accounting and General Services Survey Division determined the area of the subject pier and seawall is 331 square feet.

item D-8, the Board approved the issuance of a term, non-exclusive easement for purposes stated above.

The Department understands that the subject abutting property is being sold. The Department will work with the buyer of the abutting property toward the resolution of the encroachment by the issuance of the subject easement.

The grantee shall pay the State the fair market value of the easement in the amount of \$40,000 as determined by an independent appraisal.

Thank you for the opportunity to comment on this measure.