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IGEGOVERNOR
OF HAWAII



SUZANNE D. CASE
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COMMISSION ON WATER RESOURCE MANAGEMENT

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STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

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Testimony of
SUZANNE D. CASE
Chairperson

Before the Senate Committee on
WAYS AND MEANS

Thursday, March 30, 2017
1:30 PM
State Capitol, Conference Room 211

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

¹ 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.

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.