

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
WATER AND LAND**

**Wednesday, February 21, 2018
2:45 PM
State Capitol, Conference Room 224**

**In consideration of
SENATE CONCURRENT RESOLUTION 19
AUTHORIZING THE AMENDMENT OF A TERM, NON-EXCLUSIVE EASEMENT
COVERING A PORTION OF STATE SUBMERGED LANDS AT KAHALA,
HONOLULU, OAHU, FOR THE MAINTENANCE AND REPAIR OF THE EXISTING
SEAWALL AND STEPS, AND FOR USE, REPAIR, AND MAINTENANCE OF THE
EXISTING IMPROVEMENTS CONSTRUCTED THEREON**

Senate Concurrent Resolution 19 requests the authorization of the amendment of a term, non-exclusive easement covering an additional 191 square feet, more or less, on a portion of state submerged lands fronting the property identified as tax map key: (1) 3-5-001: seaward of 004, at Kahala, Honolulu, Oahu for the use, repair, and maintenance of the existing seawall and steps constructed thereon, pursuant to Section 171-53, Hawaii Revised Statutes (HRS). **The Department of Land and Natural Resources (Department) supports this Administration concurrent resolution.**

The previous owner of the abutting property, Kevin Fialko, worked with the Department and obtained a 55-year non-exclusive easement for an area of 773 square feet for seawall and steps purposes in 2010. Pursuant to a shoreline survey done in 2017, an additional 191 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 July 28, 2017, under agenda item D-5, the Board approved to amend the term, non-exclusive easement by incorporating the additional encroachment area. The current owner, R & I Hawaii Inc., paid \$20,513 for the additional easement area which is the pro-rated amount based on the appraised fair market value of the 2010 easement.

Thank you for the opportunity to comment on this measure.

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

ROBERT K. MASUDA
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

SCR-19

Submitted on: 2/17/2018 10:43:59 PM

Testimony for WTL on 2/21/2018 2:45:00 PM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|-------------------------|------------------------------------------------------------------------|---------------------------|---------------------------|
| De MONT R. D. CONNER | Testifying for Ho'omanapono Political Action Committee (HPAC) | Oppose | Yes |

Comments:

We STRONGLY OPPOSE this resolution on the grounds that it may be in violation of HRS 171, & the interests of native Hawaiian beneficiaries.