

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 House Committee on
WATER & LAND**

**Friday, April 13, 2018
10:30 AM
State Capitol, Conference Room 325**

**In consideration of
SENATE CONCURRENT RESOLUTION 2, SENATE DRAFT 1
AUTHORIZING THE ISSUANCE OF A TERM, NON-EXCLUSIVE EASEMENT
COVERING A PORTION OF STATE SUBMERGED LANDS AT WAIANAЕ, OAHU,
FOR THE EXISTING SEAWALL, STEPS, AND LANDSCAPED AREA AND FOR USE,
REPAIR, AND MAINTENANCE OF THE EXISTING IMPROVEMENTS
CONSTRUCTED THEREON**

Senate Concurrent Resolution 2, Senate Draft 1 requests the authorization to issue a term, non-exclusive easement covering about 391 square feet, more or less, portion of state submerged lands identified as tax map key: (1) 8-7-023:seaward of 044, at Waianae, Oahu for the use, repair, and maintenance of the existing seawall, steps, and landscaped area 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, Peter Cushman Lewis, worked with the Department to resolve the encroachments. The seawall, steps, and landscaped area are located on State 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 October 13, 2017, under agenda item D-8, the Board approved the issuance of a term, non-exclusive easement for purposes stated above.

The grantee shall pay the State the fair market value of the easement as consideration for the use of public lands. The amount of consideration shall be determined by an independent appraisal.

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

Testimony of
Donald and Melina Clark
Before the House Committee on Water and Land

Our property immediately abuts the property located at 849C Farrington Highway, the owner of which, Peter Lewis, is requesting approval of a non-exclusive easement containing 391 square feet immediately adjacent to the makai boundary of the Lewis property.

We are concerned that if the easement is not granted the existing seawall will have to be removed which, in turn, would cause substantial erosion to the Lewis property as well as the surrounding properties.

Therefore, we wish to express our support for the passage of ~~House~~ ^{Senate} Concurrent Resolution 2, S.D. 1.



Donald Clark



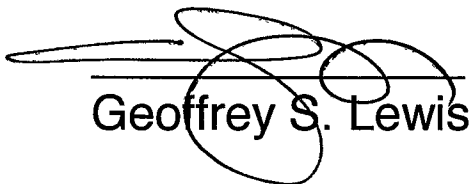
Melina Clark

Testimony of
Geoffrey and Melissa Lewis
Before the House Committee on Water and Land

Our property is on the Waianae side and immediately adjacent to the property located at 849C Farrington Highway, the owner of which, Peter Lewis, is requesting approval of a non-exclusive easement containing 391 square feet which area includes a long standing, existing seawall that is immediately adjacent to the makai boundary of the Lewis property.

If the easement is not approved, the existing seawall may have to be removed which, in turn, would cause substantial erosion not only to the property at 849C Farrington Highway but also to our property as well.

We therefore wish to express our strong support for the passage of ~~House~~^{Senate} Concurrent Resolution 2, .S.D.1


Geoffrey S. Lewis


Melissa L. Lewis

Testimony of
Makana McClellan and Kekoa McClellan
Before the House Committee on
Water and Land
_____, _____, 2018
_____:_____

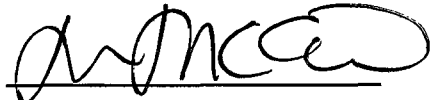
~~HOUSE~~ In consideration of ^{Senate} S.D.1
~~HOUSE~~ CONCURRENT RESOLUTION ²¹ AUTHORIZING
THE ISSUANCE OF A TERM, NON-EXCLUSIVE
EASEMENT COVERING A PORTION OF STATE
SUBMERGED LANDS AT WAIANAE, OAHU FOR THE
EXISTING SEAWALL, STEPS, AND LANDSCAPED
AREA AND FOR THE USE, REPAIR, AND
MAINTENANCE OF THE EXISTING IMPROVEMENTS
CONSTRUCTED THEREON

~~HOUSE~~ ^{Senate} Concurrent Resolution ²¹ ^{S.D.1} requests the authorization
to issue a term, non-exclusive easement to Peter
Cushman Lewis covering about 391 square feet, more or
less, being a portion of state submerged lands identified
as tax map key: (1) 8-7-023: seaward of 044, at Waianae,
Oahu for the use, repair, and maintenance of the existing
seawall, steps, and landscaped area constructed thereon,
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(HRS).

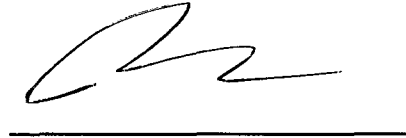
We, the landowners abutting 849C Farrington Highway
(Tax Map Key: (1) 8-7-023:044) support the granting of the

non-exclusive easement to Peter Cushman Lewis and are
testifying in support of ~~HCR~~ SCR 2, S.D.

Respectfully submitted,



Makana McClellan



Kekoa McClellan

Testimony of Peter Cushman Lewis
Before the House Committee on
Water and Land

_____, _____, 2018

In consideration of
SENATE CONCURRENT RESOLUTION 2, S.D. 1
AUTHORIZING THE ISSUANCE OF A TERM, NON-
EXCLUSIVE EASEMENT COVERING A PORTION OF
STATE SUBMERGED LANDS AT WAIANAE, OAHU,
FOR THE EXISTING SEAWALL, STEPS, AND
LANDSCAPED AREA AND FOR USE, REPAIR, AND
MAINTENANCE OF THE EXISTING IMPROVEMENTS
CONSTRUCTED THEREON

Senate Concurrent Resolution 2, S.D. 1 requests the authorization to issue a term, non-exclusive easement covering about 391 square feet, more or less, portion of state submerged lands identified as tax map key: (1) 8-7-023: seaward of 044, at Waianae, Oahu for the use, repair, and maintenance of the existing seawall, steps, and landscaped area constructed thereon, pursuant to Section 171-53, Hawaii Revised Statutes (HRS).

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I, Peter Cushman Lewis, the current owner of the abutting property, worked with the Department to resolve the encroachments. The seawall, steps, and landscaped area are located on State 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 October 13, 2017, under agenda item D-8, the Board approved the issuance of a term, non-exclusive easement for the purposes stated above.

I, as grantee, shall pay the State the fair market value of the easement as consideration for the use of public lands. The amount of consideration shall be determined by an independent appraisal.

I respectfully request approval of Senate Concurrent Resolution 2, S.D. 1

Peter C. Lewis

Testimony of
Thomas McClellan and Dorien McClellan
Before the House Committee on
Water and Land
_____, _____, 2018

In consideration of ^{Senate} ~~House~~ CONCURRENT RESOLUTION ^{S.D. 1} 2, AUTHORIZING
THE ISSUANCE OF A TERM, NON-EXCLUSIVE
EASEMENT COVERING A PORTION OF STATE
SUBMERGED LANDS AT WAIANAE, OAHU FOR THE
EXISTING SEAWALL, STEPS, AND LANDSCAPED
AREA AND FOR THE USE, REPAIR, AND
MAINTENANCE OF THE EXISTING IMPROVEMENTS
CONSTRUCTED THEREON

^{Senate} ~~House~~ Concurrent Resolution ^{S.D. 1} 2 requests the authorization
to issue a term, non-exclusive easement to Peter
Cushman Lewis covering about 391 square feet, more or
less, being a portion of state submerged lands identified
as tax map key: (1) 8-7-023: seaward of 044, at Waianae,
Oahu for the use, repair, and maintenance of the existing
seawall, steps, and landscaped area constructed thereon,
pursuant to Section 171-53, Hawaii Revised Statutes
(HRS).

We, the landowners abutting 849C Farrington Highway
(Tax Map Key: (1) 8-7-023:044) support the granting of the

non-exclusive easement to Peter Cushman Lewis and are
testifying in support of ~~HER~~ SC.R 2, S.D.I

Respectfully submitted,


Thomas McClellan


Dorien McClellan

LATE

SCR-2-SD-1

Submitted on: 4/13/2018 6:10:06 AM

Testimony for WAL on 4/13/2018 10:30:00 AM

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

Comments:

We STRONGLY OPPOSE this resolution on the basis that it's based on a false premise: NON-EXCLUSIVE! Native Hawaiians are in the MAJORITY on the Wai`anae Coast, yet, we are consistently denied our customary rights to access our mountains, streams & ocean by these so-called "owners" of STOLEN Hawaiian lands. Please defer or hold this resolution. Mahalo.