

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 28, 2018
2:45 PM
State Capitol, Conference Room 224**

**In consideration of
SENATE CONCURRENT RESOLUTION 2
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 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

SCR-2

Submitted on: 2/26/2018 10:42:33 PM

Testimony for WTL on 2/28/2018 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 bill that is devoid of any due consideration for native Hawaiians to have direct access to the ocean pursuant to Article XII, Section 7 of the Hawaii Constitution. Mahalo.

Testimony of Peter CUSHMAN Lewis
Before the Senate Committee on
Water and Land

February ~~24~~ 28, 2018

___:___M

State Capital Room _____

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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.

Peter C. Lewis

Testimony of
Geoffrey and Melissa Lewis
Before the Senate 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 Senate Concurrent Resolution 2.



Geoffrey S. Lewis



Melissa L. Lewis

Testimony of
Makana McClellan and Kekoa McClellan
Before the Senate Committee on
Water and Land
February, 28, 2018
_____:

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SENATE CONCURRENT RESOLUTION 2
AUTHORIZING THE ISSUANCE OF A TERM, NON-
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THE EXISTING SEAWALL, STEPS, AND LANDSCAPED
AREA AND FOR THE USE, REPAIR, AND
MAINTENANCE OF THE EXISTING IMPROVEMENTS
CONSTRUCTED THEREON

Senate Concurrent Resolution 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 SCR 2.

Respectfully submitted,



Makana McClellan



Kekoa McClellan

Testimony of
Donald and Melina Clark
Before the Senate Committee on Water & 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 Senate Concurrent Resolution 2 introduced by Senator Maili Shimabukuro who represents the Senate District where the property is located.



Donald Clark



Melina Clark

Testimony of
Thomas McClellan and Dorien McClellan
Before the Senate Committee on
Water and Land
February, 28, 2018

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testifying in support of SCR 2.

Respectfully submitted,



Thomas McClellan



Dorien McClellan

SCR-2

Submitted on: 2/26/2018 10:32:12 PM

Testimony for WTL on 2/28/2018 2:45:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Rachel L. Kailianu	Individual	Support	Yes

Comments: