

DAVID Y. IGE
GOVERNOR OF HAWAII



**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES**

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**Testimony of
SUZANNE D. CASE
Chairperson**

**Before the House Committee on
WATER, LAND, & HAWAIIAN AFFAIRS**

**Monday, June 29, 2020
11:00 AM
State Capitol, Conference Room 325**

**In consideration of
HOUSE CONCURRENT RESOLUTION 26
AUTHORIZING THE ISSUANCE OF A TERM, NON-EXCLUSIVE EASEMENT
COVERING A PORTION OF STATE SUBMERGED LANDS AT KANEOHE,
KOOLAUPOKO, OAHU, FOR THE EXISTING PIER, AND FOR USE, REPAIR, AND
MAINTENANCE OF THE EXISTING IMPROVEMENTS CONSTRUCTED THEREON**

House Concurrent Resolution 26 requests the authorization to issue a term, non-exclusive easement covering 8,271 square feet, more or less, portion of state submerged lands identified as tax map key: (1) 4-6-001:seaward of 015, at Kaneohe, Koolauoko, Oahu for the use, repair, and maintenance of the existing pier 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 current owner of the abutting property, the University of Hawaii (UH), worked with the Department to resolve the encroachment. 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 July 30, 2004, under agenda item D-28, the Board authorized and recommended to the Governor the issuance of an executive order setting aside of the subject land to the UH to resolve the encroachment. Subsequently, at its meeting on February 25, 2005, under agenda item D-4, the Board approved to amend the manner of land disposition by granting a 65-year direct at gratis rent. The 65-year direct lease was never consummated due to lack of agreement on the lease conditions, and it was subsequently determined that the department's policy to resolve shoreline encroachments is the issuance of 55-year term, non-exclusive easements. At its meeting on August 25, 2017, under agenda item D-5, the Board approved the issuance of a 55-year term, non-exclusive easement at gratis rent for purposes stated above.

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

M. KALEO MANUEL
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



UNIVERSITY OF HAWAII SYSTEM

Legislative Testimony

Testimony Presented Before the
House Committee on Water, Land, & Hawaiian Affairs
Monday, June 29, 2020 at 11:00 a.m.

by

Judith Lemus, PhD

Interim Director

Hawai'i Institute of Marine Biology

School of Ocean and Earth Science

And Technology

And

Michael Bruno, PhD

Provost

University of Hawai'i at Mānoa

HCR 26 – AUTHORIZING THE ISSUANCE OF A TERM, NON-EXCLUSIVE EASEMENT COVERING A PORTION OF STATE SUBMERGED LANDS AT KANEOHE, KOOLAUPOKO, OAHU, FOR THE EXISTING PIER, AND FOR USE, REPAIR, AND MAINTENANCE OF THE EXISTING IMPROVEMENTS CONSTRUCTED THEREON.

Chair Yamane, Vice Chair Todd, and members of the committee:

Thank you for the opportunity to submit testimony on HCR 26. This concurrent resolution requests the authorization to issue a term, non-exclusive easement covering portions of state submerged lands fronting the property identified as tax map key: (1) 4-6-001: seaward of 015, Kāne'ohe, Ko'olaupoko, O'ahu, for the existing pier, and for use, repair, and maintenance of the existing improvements constructed thereon pursuant to section 171-53, Hawai'i Revised Statutes. The University of Hawai'i supports this concurrent resolution.

The pier is a critical access point for travel to Moku o Lo'e (Coconut Island) and is therefore essential to the research and education operations at Hawai'i Institute of Marine Biology (HIMB). The only other access option available to HIMB would be at He'eia Kea Pier, a 20-minute boat ride away. As an organized research unit for UH Mānoa, HIMB conducts highly relevant research on coral reef ecosystems and works closely with state resource agencies to help inform management decisions. Each year HIMB also educates hundreds of university students in marine conservation research and hosts over 4,000 visitors in our high school and community education programs. We could not support this level of research or education without a pier at Lilipuna for boat transport of both people and materials.

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 August 25, 2017, under agenda item D-5, the Board approved a grant of a 55-year non-exclusive easement to resolve the pier encroachment, and such non-exclusive easement to run with the land and to inure to the benefit of the abutting real property at gratis rent for the purposes state above.

Thank you for the opportunity to submit testimony on this measure.