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GOVERNOR OF HAWAII



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

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**Testimony of
SUZANNE D. CASE
Chairperson**

**Before the Senate Committee on
WATER AND LAND**

**Wednesday, April 7, 2021
1:00 PM**

State Capitol, Via Videoconference and Conference Room 229

**In consideration of
HOUSE CONCURRENT RESOLUTION 19
AUTHORIZING THE ISSUANCE OF A PERPETUAL, NON-EXCLUSIVE EASEMENT
COVERING A PORTION OF STATE SUBMERGED LANDS AT MAUNALUA,
HONOLULU, OAHU, FOR THE EXISTING STORM DRAIN, AND FOR USE, REPAIR,
AND MAINTENANCE OF THE EXISTING IMPROVEMENTS CONSTRUCTED
THEREON**

House Concurrent Resolution 19 requests the authorization to issue a perpetual, non-exclusive easement covering a 174 square foot, more or less, portion of state submerged lands fronting the property identified as tax map key: (1) 3-9-27: 007, at Maunalua, Honolulu, Oahu for the use, repair, and maintenance of the existing storm drain constructed thereon, pursuant to Section 171-53, Hawaii Revised Statutes (HRS). **The Department of Land and Natural Resources (Department) supports this Administration concurrent resolution.**

In 2006, the City and County of Honolulu brought to the Department's attention this encroachment of 174 square feet when they were planning for the repair of their storm drain improvement. This is not a seawall, but an extension located makai of the existing drainage easement in favor of the City and County of Honolulu over the private property, identified as (1) 3-9-027:007. The estimated date of construction is 1961 based on a deed for the private property, which is part of File Plan 750, that was recorded in 1961. According to the deed, the drainage easement was issued to the City and County of Honolulu in 1961 (pre-dating the Conservation District). Therefore, the improvement is a non-conforming use, and no Conservation District Use Permit was issued. The Department's Office of Conservation and Coastal Lands had no objections to the disposition through an easement. At its meeting of March 23, 2007, under agenda item D-5, the Board of Land and Natural Resources (Board) heard and unanimously approved a request for grant of a perpetual non-exclusive easement for purpose stated above, at gratis consideration, with no public opposition. At its meeting of August 9, 2019, under agenda item D-5, the Board amended its prior action by adding Section 171-53(c), HRS as the governing statutory authority. The subject

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CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

ROBERT K. MASUDA
FIRST DEPUTY

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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

location of the proposed easement was never private land. There are no beach resources there and the Department does not anticipate any impact to lateral sand movement nor that the improvement would prohibit lateral shoreline access. The area is within a rocky shoreline, therefore, there will be no beach impact. In addition, the improvement serves the public interest of mitigating any surface runoff at the location.

As the owner of the existing storm drain system fronting the abutting private property, the City and County of Honolulu worked with the Department to resolve the storm drain encroachment. As required by Section 171-53, HRS, the Board may lease submerged lands "with the prior approval of the Governor and the prior authorization of the Legislature by concurrent resolution".

Thank you for the opportunity to comment on this measure.