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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 House Committee on
CONSUMER PROTECTION & COMMERCE**

**Friday, March 19, 2021
2:00 PM**

State Capitol, Via Videoconference and Conference Room 329

**In consideration of
HOUSE CONCURRENT RESOLUTION 20
AUTHORIZING THE ISSUANCE OF A PERPETUAL, NON-EXCLUSIVE EASEMENT
COVERING A PORTION OF STATE SUBMERGED LANDS AT KANEOHE,
KOOLAUPOKO, OAHU, FOR THE EXISTING STORM DRAIN, AND FOR USE,
REPAIR, AND MAINTENANCE OF THE EXISTING IMPROVEMENTS
CONSTRUCTED THEREON**

House Concurrent Resolution 20 requests the authorization to issue a perpetual, non-exclusive easement covering a 679 square foot, more or less, portion of state submerged lands identified as tax map key: (1) 4-4-021:seaward of 038, at Kaneohe, Koolauoko, 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.**

The City and County of Honolulu was made aware of the portion of the storm drain encroaching onto state property during a shoreline certification of the neighboring private property. The certification map showed that the drainage structure continued beyond the City and County of Honolulu's property. Research found that the drainage structure was constructed as part of the King Subdivision developed in the neighborhood and subsequently dedicated to the City and County of Honolulu as part of the subdivision improvements in 1968. Although actual date of construction is unknown, the dedication completed in 1968 indicates that the structure itself can be considered as non-conforming use in the context of the permitting requirements regulated by the Department's Office of Conservation and Coastal Lands and the Department of Health. At its meeting of August 23, 2013, under agenda item D-10, the Board of Land and Natural Resources (Board) heard and unanimously approved a request for grant of a perpetual non-exclusive easement for the purpose stated above, at gratis consideration, with no public opposition. The shoreline

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

fronting the drainage structure consists of muddy waters of Kaneohe Bay. There are no beach resources there and we do not anticipate any impact to lateral sand movement or flanking.

The current owner (grantee) of the abutting 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.