

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  
CONSUMER PROTECTION & COMMERCE**

**Thursday, April 15, 2021  
2:00 PM**

**State Capitol, Via Videoconference, Conference Room 329**

**In consideration of  
SENATE CONCURRENT RESOLUTION 13  
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**

Senate Concurrent Resolution 13 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 (City) brought to our 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 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 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 location of the proposed easement was never private land. There

**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

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 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.