

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  
WAYS AND MEANS**

**Tuesday, March 30, 2021  
9:00 AM**

**State Capitol, Via Videoconference, Conference Room 211**

**In consideration of  
SENATE CONCURRENT RESOLUTION 14  
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**

Senate Concurrent Resolution 14 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 (City) 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'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 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 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.

**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

The current owner (grantee) of the abutting 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.

**SCR-14**

Submitted on: 3/28/2021 12:03:48 PM

Testimony for WAM on 3/30/2021 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Sam Lemmo	Testifying for DLNR	Support	No

Comments:

I am available for questions. Please allow me Zoom access. Thank you.

**SCR-14**

Submitted on: 3/28/2021 12:08:42 PM

Testimony for WAM on 3/30/2021 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Calen Miyahara	Testifying for DLNR	Support	No

Comments:

I am available for questions. Please allow me Zoom access. Thank you.

**SCR-14**

Submitted on: 3/28/2021 12:14:37 PM

Testimony for WAM on 3/30/2021 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Patti Miyashiro	Testifying for DLNR	Support	No

Comments:

I am available for questions. Please allow me Zoom access. Thank you.