

DAVID Y. IGE
GOVERNOR OF HAWAII



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

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

CARTY S. CHANG
INTERIM CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

KEKOA KALUHIWA
FIRST DEPUTY

W. ROY HARDY
ACTING 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

**Testimony of
CARTY S. CHANG
Interim Chairperson**

**Before the House Committees on
WATER AND LAND
and
OCEAN, MARINE RESOURCES, AND HAWAIIAN AFFAIRS**

**Friday, April 17, 2015
11:00AM
State Capitol, Room 325**

**In consideration of
SENATE CONCURRENT RESOLUTION 16
AUTHORIZING THE ISSUANCE OF A TERM, NON-EXCLUSIVE EASEMENT
COVERING A PORTION OF STATE SUBMERGED LANDS AT HAULA,
KOOLAULOA, OAHU, FOR THE USE, MAINTENANCE AND REPAIR
OF THE EXISTING RESIDENCE, FOUNDATION, AND LANAI**

Senate Concurrent Resolution 16 requests the authorization to issue a term, non-exclusive easement covering 542 square feet, more or less, portion of state submerged lands fronting the property identified as tax map key: (1) 5-4-010: seaward of 009, at Hauula, Koolauloa, Oahu for use, maintenance and repair of existing residence, foundation and lanai 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 owners of the abutting property, Scott and Beverly-Jo Miyasaki¹, and Tracy Lindo, 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 August 22, 2014, under agenda item D-20, the Board approved the issuance of a term, non-exclusive easement for purposes stated above.

¹ The correct name of one of the owners should be Beverly-Jo Miyasaki.

The grantee shall pay the State the fair market value of the easement as consideration for the use of public lands. The amount of consideration shall be determined by an independent appraisal.