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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
WAYS AND MEANS**

**Thursday, April 15, 2021
10:00 AM
State Capitol, Via Videoconference, Room 211**

**In consideration of
HOUSE CONCURRENT RESOLUTION 25
AUTHORIZING THE ISSUANCE OF A TERM, NON-EXCLUSIVE EASEMENT
COVERING A PORTION OF STATE SUBMERGED LANDS AT MAUNALUA,
HONOLULU, OAHU, FOR THE EXISTING SEAWALL, AND FOR USE, REPAIR, AND
MAINTENANCE OF THE EXISTING IMPROVEMENTS CONSTRUCTED THEREON**

House Concurrent Resolution 25 requests the authorization to issue a term, non-exclusive easement covering 138 square feet, more or less, portion of state submerged lands identified as tax map key: (1) 3-9-016:seaward of 036, at Maunalua, Honolulu, Oahu for the use, repair, and maintenance of the existing seawall 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 seawall was built within the private property, however, during a recent shoreline certification process it was determined that the lip overhang at the top of the seawall and the footing located at the seawall base (for the seawalls entire length) was located makai of shoreline and is now on state lands. Since the encroaching portion of the seawall was found on state lands located makai of the shoreline, such area should be considered as submerged lands subject to the approval of the Department's Office of Conservation and Coastal Lands (OCCL). After reviewing submitted documentation (which included a 1955 survey map that identified the existence of the seawall) OCCL supported the disposition through an easement for the lip overhang and footing, citing there are no walkable lateral access to the public and there is no sandy beach resources fronting the subject seawall or adjacent properties to the north and south. In addition, OCCL commented that the land fronting the seawall is consistently submerged and that removal of the encroachment would unlikely improve the lateral shoreline access. Also, OCCL notes that the encroachment is attached to the seawall and serves as primary erosion control for the subject property. And, that the encroachment is negligible, having a small footprint, and its removal may compromise the structural integrity of the seawall that fronts the shoreline sides of both adjacent properties. The seawall is also being used as a retaining wall,

SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

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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

and removal of the encroaching portion could not only undermine the integrity of the entire seawall but cause a catastrophic collapse and subsequent loss of backfilled soil. The seawall is also part of a long-standing wall with the neighbors on both sides. Removal of the encroachment portion of the seawall and the potential collapse of the seawall could impact the neighboring properties seawall exacerbating the problem by causing a chain of seawall collapse with increasing land loss and runoff. At its meeting on July 10, 2020, under agenda item D-5, the Board of Land and Natural Resources (Board) unanimously approved the issuance of a term, non-exclusive easement for purpose stated above and there were no public opposition.

The current owner of the abutting property, Daisho Company, Ltd. dba Daishohouse, is working with the Department to resolve the encroachment through a disposition. 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".

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

Thank you for the opportunity to comment on this measure.