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KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

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

**Before the House Committee on
WATER & LAND**

**Friday, March 27, 2015
10:00 AM
State Capitol, Room 325**

**In consideration of
HOUSE CONCURRENT RESOLUTION 40
AUTHORIZING THE ISSUANCE OF A TERM, NON-EXCLUSIVE EASEMENT
COVERING A PORTION OF STATE SUBMERGED LANDS AT KAHALUU,
KOOLAUPOKO, OAHU, FOR THE USE, REPAIR, AND MAINTENANCE OF THE
EXISTING SEAWALL**

House Concurrent Resolution 40 requests the authorization to issue a term, non-exclusive easement covering 31,266 square feet, more or less, portion of state submerged lands fronting the property identified as tax map key: (1) 4-7-011: seaward of 001¹, at Kahaluu, Koolau-poko, Oahu for use, repair, and maintenance of existing seawall constructed thereon, pursuant to Section 171-53, Hawaii Revised Statutes (HRS). The Department of Land and Natural Resources ("Department") notes that a similar concurrent resolution (House Concurrent Resolution 23) was introduced as part of the Administration's 2015 Legislative Package. **As such, the Department supports this concurrent resolution.**

The current owner of the abutting property, Kahaluu Pond, Inc., obtained a 30-year term easement from the Board of Land and Natural Resources ("Board") commencing from 1984. In view of the expiration date in 2014, the owner requested the Board issue a new 55-year term easement for the same purpose. 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". At its meeting on October 11, 2013, under agenda item D-6, the Board approved the issuance of a term, non-exclusive easement for seawall purposes.

¹ The Tax Map Key appeared on page 2 of the resolution should read "seaward of 001".

In addition, the Board authorized the issuance of a right-of-entry to Kahaluu Pond, Inc. for seawall purposes until the execution of the easement document.

The Department hired the appraisal firm of Appraisal Hawaii, Inc. who determined the one-time payment fair market value of the easement is \$4,060.