

DAVID Y. IGE
GOVERNOR OF HAWAII



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

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

**Before the House Committee on
WATER & LAND
and
OCEAN, MARINE RESOURCES, & HAWAIIAN AFFAIRS**

**Friday, March 27, 2015
10:30 AM
State Capitol, Room 325**

**In consideration of
HOUSE CONCURRENT RESOLUTION 82
AUTHORIZING THE ISSUANCE OF A TERM, NON-EXCLUSIVE EASEMENT
COVERING A PORTION OF STATE SUBMERGED LANDS AT WAIKIKI, HONOLULU,
OAHU, FOR THE USE, MAINTENANCE AND REPAIR
OF THE EXISTING PIERS**

House Concurrent Resolution 82 requests the authorization to issue a term, non-exclusive easement covering an estimated area of 288 square feet¹, more or less, portion of state submerged lands fronting the property identified as tax map key: (1) 3-6-001:seaward of 017, at Waikiki, Honolulu, Oahu for use, maintenance and repair of existing pier constructed thereon, pursuant to Section 171-53, Hawaii Revised Statutes (HRS). **The Department of Land and Natural Resources ("Department") supports this concurrent resolution.**

The current owners of the abutting property, Wilton Allen Doane, Jr. and Christina Dao Doane, 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 February 27, 2015, under agenda item D-14, the Board approved the issuance of a term, non-exclusive easement for purposes stated above.

¹ Final easement area shall be subject to review and approval by the Department of Accounting and General Services, Survey Division.

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

DANIEL S. QUINN
INTERIM 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

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.

March 27, 2015

Chair Yamane, Chair Ing, and Members of the House Committees on Water & Land and Ocean, Marine Resources & Hawaiian Affairs:

I am Allen Doane testifying in support of HCR 82, AUTHORIZING THE ISSUANCE OF A TERM, NONEXCLUSIVE EASEMENT COVERING A PORTION OF STATE SUBMERGED LANDS FRONTING THE PROPERTY IDENTIFIED AS TAX MAP KEY: (1) 3-6-001:017, WAIKIKI, HONOLULU, OAHU.

This resolution authorizes the Board of Land and Natural Resources (BLNR) to issue a term, non-exclusive easement over State submerged lands for an existing pier fronting our home. The prior owner of the property adjacent to the pier had a revocable permit issued by the BLNR. At their February 27, 2015 meeting, the BLNR approved the granting of a 55 year non-exclusive easement for this pier, subject to a one-time payment as consideration for the easement which will be determined by an independent appraisal establishing fair market value, and the approval of the BLNR Chair. Pursuant to HRS Section 171-53, the adoption of a concurrent resolution by the Legislature along with the approval of the Governor is required prior to the issuance of this non-exclusive easement.

We respectfully request your consideration to incorporate into the resolution clarifying amendments relating to the square footage area of the non-exclusive easement. While the resolution presently states that the pier covers approximately 199 square feet of state submerged lands, we understand that this figure does not include the entire subsurface "footprint" of the pier. We also understand that the Department of

Accounting & General Services Survey Division will confirm the total amount of state submerged lands that will be subject to the non-exclusive easement for the pier. In that the prior revocable permit for the pier covered 288 square feet of state submerged lands (which includes the subsurface “footprint” of the pier), we respectfully request your consideration to incorporate amendments into this resolution to clarify that the non-exclusive easement will cover an estimated area of 288 square feet, more or less, of state submerged lands. We have attached to our testimony amended language for your consideration.

We greatly appreciate your time in reviewing this matter and respectfully request your favorable consideration on this resolution. Thank you for the opportunity to testify.

AUTHORIZING THE ISSUANCE OF A TERM, NONEXCLUSIVE EASEMENT COVERING A PORTION OF STATE SUBMERGED LANDS FRONTING THE PROPERTY IDENTIFIED AS TAX MAP KEY: (1) 3-6-001:017, WAIKIKI, HONOLULU, OAHU.

WHEREAS, Wilton Allen Doane, Jr., and Christina Dao Doane own the property located in Waikiki, Honolulu, Oahu, identified as tax map key: (1) 3-6-001:017; and

WHEREAS, [in 2014, it was determined that the existing pier fronting the subject property encumbers approximately one hundred ninety-nine square feet of state submerged lands] the prior owner of the property had a revocable permit issued by the Board of Land and Natural Resources for the existing pier fronting the property covering two hundred eighty-eight square feet of state submerged lands; and

WHEREAS, the Department of Land and Natural Resources is working with the owners of the subject property to resolve the encroachment onto state submerged lands; and

WHEREAS, on February 27, 2015, under agenda item D-14, the Board of Land and Natural Resources approved the request for a fifty-five year nonexclusive easement by the owners of the subject property; and

WHEREAS, the Department of Accounting and General Services, Survey Division will review and approve the square footage area of state submerged lands subject to the fifty-five year nonexclusive easement; and

WHEREAS, as consideration for the easement, the owners of the subject property agreed to make to the State a one-time payment to be determined by an independent appraisal establishing fair market value, subject to review and approval by the Chairperson of the Board of Land and Natural Resources; and

WHEREAS, section 171-53, Hawaii Revised Statutes, requires the prior approval of the Governor and prior authorization of the legislature by concurrent resolution for the disposition of state submerged lands; now, therefore,

BE IT RESOLVED by the House of Representatives of the Twenty-eighth Legislature of the State of Hawaii, Regular Session of 2015, the Senate concurring, that the Board of Land and Natural Resources is authorized to issue a term,

nonexclusive easement covering ~~[a portion]~~ an estimated area of two hundred eighty-eight square feet, more or less, of state submerged lands fronting the property identified as tax map key: (1) 3-6-001:017, Waikiki, Honolulu, Oahu, for the use, maintenance, and repair of the existing pier constructed thereon, pursuant to section 171-53, Hawaii Revised Statutes; and

BE IT FURTHER RESOLVED that certified copies of this Concurrent Resolution be transmitted to the Chairperson of the Board of Land and Natural Resources.