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SYLVIA LUKE  
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAII'  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
KA 'OIHANA KUMUWAIWAI 'ĀINA

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HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

Testimony of  
RYAN K.P. KANAKA'OLE  
Acting Chairperson

Before the Senate Committee on  
WATER, LAND, CULTURE AND THE ARTS

Monday, March 30, 2026  
1:00 PM  
State Capitol, Room 224

In consideration of  
SENATE CONCURRENT RESOLUTION 108

**AUTHORIZING THE ISSUANCE OF A PERPETUAL, NON-EXCLUSIVE EASEMENT COVERING A PORTION OF STATE SUBMERGED LANDS AT WAIALAE, HONOLULU, OAHU, FOR EXISTING DRAINAGE PURPOSES, AND FOR USE, OPERATION, REPAIR, AND MAINTENANCE OF THE EXISTING IMPROVEMENTS CONSTRUCTED THEREON.**

Senate Concurrent Resolution 108 requests authorization to issue a perpetual, non-exclusive easement covering 12,700 square feet, more or less, of State submerged lands identified as Tax Map Key (TMK) (1) 3-5-023:041 fronting the Kahala Hotel & Resort property identified as TMK (1) 3-5-023:039 located in Waialae, Honolulu, Oahu, for use, operation, repair, and maintenance of existing drainage improvements constructed thereon, pursuant to Section 171-53, Hawaii Revised Statutes (HRS). **The Department of Land and Natural Resources (Department) supports this concurrent resolution and offers the following comments.**

The improvements subject to this measure, two (2) lagoon outfalls and one (1) stormwater outfall, were installed as a part of the original hotel development in the 1960s. The construction of all three pipelines predated both the creation of the Conservation District as well as the Special Management Area (SMA). In 1975, an extension of the Koko Head lagoon outfall pipe was approved via Conservation District Use Permit (CDUP) OA-634. The Department also notes that the two lagoon outfalls operate under a state Department of Health (DOH) National Pollutant Discharge Elimination System (NPDES) Permit (No. HI00219420) and by letter dated January 26, 2015, DOH confirmed that the stormwater discharge pipe did not require an NPDES permit.

Resorttrust Hawaii, LLC (RTH) operates the Kahala Hotel & Resort on the abutting property pursuant to a ground lease with Kamehameha Schools. RTH also holds a revocable permit

(RP) for the maintenance of TMK (1) 3-5-023:041. The issue of the pipelines was brought up during the 2022 annual RP renewal process. RTH has worked in good faith with the Department to resolve the encroachments and at its meeting on September 13, 2024, under agenda item D-7, the Board of Land and Natural Resources approved the issuance of perpetual, non-exclusive easements for the purposes stated above subject to Section 171-53, HRS, which requires "...prior approval of the Governor and the prior authorization of the Legislature by concurrent resolution".

The Department hired the appraisal firm Medusky & Co., Inc. which determined the one-time payment fair market value of the easement is \$9,700. If the Legislature and the Governor approve the requested easements, RTH will pay for the easement at the appraised fair market value.

The Department would like to clarify that the requested easement is in fact three (3) separate easements within the same TMK, but in different locations consisting of easement D-1 (stormwater outfall) with an area of 2,983 square feet, more or less; easement D-2 (Diamond Head lagoon outfall) with an areas of 2,190 square feet, more or less; and easement D-3 (Koko Head lagoon outfall) with an area of 7,527 square feet, more or less for a total area of 12,700 square feet, more or less. Therefore, the Department respectfully requests the resolution to be amended as follows:

Page 2, lines 11-13:

"WHEREAS, the total easement area is approximately 12,700 square feet, and is comprised of three separate easements of approximately 2,983 square feet, 2,190 square feet, and 7,527 square feet, respectively, to be confirmed by the Department of Accounting and General Services' Survey Division;"

Page 2, lines 23-24:

"Natural Resources is herby authorized to issue [a] three, perpetual, non-exclusive easements covering [a] portions of the subject"

Mahalo for the opportunity to comment on this measure.

**SCR-108**

Submitted on: 3/28/2026 3:50:07 PM

Testimony for WLA on 3/30/2026 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Mark McGuffie	Testifying for Resorttrust Hawai'i	Support	Written Testimony Only

Comments:

Aloha Chair Senator Chris Lee, Vice Chair Senator Lorraine Inouye, and Members of the Committee,

I strongly support the passage of SCR108, which was approved by the Board of Land and Natural Resources on September 27, 2024, for the issuance of perpetual, non-exclusive easements.

BE IT RESOLVED by the Senate of the Thirty-third Legislature of the State of Hawaii, Regular Session of 2026, the House of Representatives concurring, that the Board of Land and Natural Resources is hereby authorized to issue a perpetual, non-exclusive easement covering a portion of the subject property identified as (1) TMK 3-5-023:041, and a portion of state submerged lands seaward of the subject property, located at Waialae, Honolulu, Oahu, for the existing outfalls constructed thereon, along with the right, privilege, and authority to construct, use, operate, maintain, repair, replace, and remove pipelines across state-owned land for drainage purposes, pursuant to section 171-53, Hawaii Revised Statutes; and

BE IT FURTHER RESOLVED that certified copies of this Concurrent Resolution be transmitted to the Governor, the Chairperson of the Board of Land and Natural Resources, and the Director of the Department of Planning and Permitting of the City and County of Honolulu.

Mahalo nui,

**Mark McGuffie**

Senior Advisor

**Resorttrust Hawai'i, owners of The Kāhala Hotel & Resort**



THE KAHALA  
HOTEL & RESORT  
Honolulu, Hawaii

Aloha Chair, Vice Chair, and Members of the Committee,

My name is Joe Ibarra, and I serve as the General Manager of The Kahala Hotel & Resort, operated by Resorttrust Hawaii, LLC. I respectfully submit this testimony in strong support of S.C.R. No. 108.

This resolution is critically important as it formalizes and authorizes long-standing drainage infrastructure that has been in place since the original development of the resort in 1963. These systems, including one stormwater outfall and two lagoon outfalls, are essential to the safe and responsible management of water flow from the property.

The infrastructure referenced in this resolution was constructed in compliance with the laws and regulations in place at the time and has since been maintained and modified in accordance with conservation district requirements. The requested easement does not propose new development, but rather ensures proper authorization for existing systems that continue to serve a vital operational and environmental function.

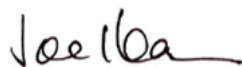
Approval of this measure will allow for the continued use, maintenance, repair, and responsible management of these drainage systems across state submerged lands. This is essential not only for the ongoing operation of the resort, but also for environmental stewardship, shoreline protection, and the prevention of flooding or runoff issues that could impact surrounding areas.

The Kahala Hotel & Resort has been part of the Waialae community for over six decades. We are deeply committed to operating responsibly, maintaining compliance with all regulatory requirements, and being good stewards of the land and ocean that surround us. This resolution supports that commitment by providing the necessary legal framework to continue managing these systems appropriately.

We respectfully ask for your support of S.C.R. No. 108.

Mahalo for your time and consideration.

Mahalo nui loa,



Joe Ibarra  
General Manager  
The Kahala Hotel & Resort