

NEIL ABERCROMBIE
GOVERNOR OF HAWAII



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

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**Testimony of
WILLIAM J. AILA, JR
Chairperson**

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

**Wednesday, March 19, 2014
9:00 A.M.
State Capitol, Conference Room 325**

**In consideration of
HOUSE CONCURRENT RESOLUTION 119
AUTHORIZING THE ISSUANCE OF A TERM, NON-EXCLUSIVE EASEMENT FOR
SEAWALL PURPOSES FOR THE PROPERTY IDENTIFIED AS TAX MAP KEY (1) 6-
8-010:SEAWARD OF 014 AT MOKULEIA, WAIALUA, OAHU, HAWAII**

House Concurrent Resolution 119 requests the authorization to issue a term, non-exclusive easement covering 143 square feet, more or less, portion of state submerged lands fronting the property identified as tax map key: (1) 6-8-010:seaward of 014, at Mokuleia, Waialua, Oahu for maintenance and repair of existing seawall constructed thereon, pursuant to Section 171-53, Hawaii Revised Statutes (HRS). The Department of Land and Natural Resources ("Department") supports this concurrent resolution.

The Department notes that House Concurrent Resolution 119 is similar to House Concurrent Resolution 25 which was introduced on behalf of the Administration for the current session.

The current owner of the abutting property, Sutton Family Partners, worked with the Department to resolve the encroachment. The seawall was 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 May 24, 2013, under agenda item D-12, the Board approved the issuance of a term, non-exclusive easement for seawall purposes.

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.

WILLIAM J. AILA, JR.
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

JESSE K. SOUKI
FIRST DEPUTY

WILLIAM M. TAM
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
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CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
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LAND
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