

**lowen2-Anosh**

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**HCR15**

Submitted on: 2/9/2013

Testimony for WAL/OMH on Feb 11, 2013 08:30AM in Conference Room 325

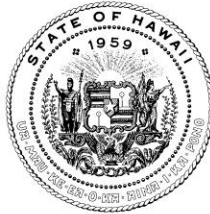
<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Troy Abraham	Individual	Support	No

Comments:

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NEIL ABERCROMBIE  
GOVERNOR OF HAWAII



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

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

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

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

**Monday, February 11, 2013  
8:30 AM  
State Capitol, Conference Room 325**

**In consideration of  
HOUSE CONCURRENT RESOLUTION 15  
AUTHORIZING THE ISSUANCE OF A PERPETUAL, NON-EXCLUSIVE EASEMENT  
COVERING A PORTION OF STATE SUBMERGED LANDS AT KAPAHULU.  
HONOLULU, OAHU, FOR SEAWALL PURPOSES**

House Concurrent Resolution 15 requests the authorization to issue a perpetual, non-exclusive easement covering 125 square feet, more or less, portion of state submerged lands fronting the property identified as tax map key: (1) 3-1-038: seaward of 042, at Kapahulu, Honolulu, Oahu for maintenance and repair of existing seawall and improvements constructed thereon, pursuant to Section 171-53, Hawaii Revised Statutes (HRS). The Department of Land and Natural Resources (Department) supports this concurrent resolution.

The owner of the abutting property, Dr. Richard Kelley, is in the process of purchasing a remnant, which is a portion of Old Diamond Head Road from the State. During the survey of the remnant area, the Department of Accounting and General Services Survey Division determined that 125 square feet 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 July 13, 2012, under agenda item D-10, the Board approved the issuance of a new 55-year term perpetual, non-exclusive easement for seawall and steps purposes.

The Department hired the appraisal firm of Medusky & Co., Inc. who determined the one-time payment, fair market value of the easement is \$24,149.

Thank you for the opportunity to testify.

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

**ESTHER KIA'AINA**  
FIRST DEPUTY

**WILLIAM M. TAM**  
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