

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 Committee on
OCEAN, MARINE RESOURCES & HAWAIIAN AFFAIRS**

**Wednesday, March 12, 2014
9:00 A.M.
State Capitol, Conference Room 325**

**In consideration of
HOUSE CONCURRENT RESOLUTION 20
AUTHORIZING THE ISSUANCE OF A TERM, NON-EXCLUSIVE EASEMENT
COVERING A PORTION OF STATE SUBMERGED LANDS AT NIU, HONOLULU,
OAHU, FOR THE MAINTENANCE AND REPAIR
OF THE EXISTING SEAWALL AND STEPS**

House Concurrent Resolution 20 requests the authorization to issue a term, non-exclusive easement covering 400 square feet, more or less, portion of state submerged lands fronting the property identified as tax map key: (1) 3-7-002:seaward of 040, at Niu, Honolulu, Oahu for maintenance and repair of existing seawall and steps 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, Mitch and Barbara D'Olier, worked with the Department to resolve the encroachment. The seawall and steps 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 March 12, 2004, under agenda item D-2, the Board approved the issuance of a term, non-exclusive easement for seawall and steps purposes.

The Department hired the appraisal firm of Appraisal Hawaii, Inc. who determined the one-time payment fair market value of the easement is \$18,300.

Thank you for the opportunity to testify.

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
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
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LAND
STATE PARKS