

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 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 28
AUTHORIZING THE ISSUANCE OF A TERM, NON-EXCLUSIVE EASEMENT
COVERING A PORTION OF STATE SUBMERGED LANDS AT KOOLAUPOKO,
OAHU, FOR MAINTENANCE AND REPAIR OF EXISTING PIER, SEAWALL,
LANDSCAPING AREA, AND IMPROVEMENTS**

House Concurrent Resolution 28 requests the authorization to issue a 55-year term, non-exclusive easement covering 1,588 square feet, more or less, portion of state submerged lands fronting the property identified as tax map key: (1) 4-4-037: seaward of 033, at Kaneohe, Koolauoko, Oahu for maintenance and repair of existing pier, seawall, landscaping area, 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 late owner of the abutting property, Mr. Frank Barton, was in the process of resolving the encroachments with the Department. Mr. Barton passed away in 2007 and the family decided to pursue the resolution of the encroachments. The Department's Office of Conservation and Coastal Lands has determined that removal of the encroachments will not improve the beach resources. 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 27, 2012, under agenda item D-6, the Board approved the issuance of a new term, non-exclusive easement.

The Lessee 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 independent appraisal.

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