

# SCR101/SR67

Measure Title: AUTHORIZING THE ISSUANCE OF A NON-EXCLUSIVE EASEMENT COVERING A PORTION OF STATE SUBMERGED LANDS PURSUANT TO SECTION 171-53, HAWAII REVISED STATUTES, RELATING TO RECLAMATION AND DISPOSITION OF SUBMERGED OR RECLAIMED PUBLIC LAND.

Report Title: Non-exclusive Easement; Priscilla Jane McAuliffe Living Trust

Description:

Companion:

Package: None

Current Referral: WTL, WAM

Introducer(s): HEE

<u>Sort by Date</u>		<b>Status Text</b>
3/12/2013	S	Offered.
3/19/2013	S	Referred to WTL, WAM.
3/21/2013	S	The committee(s) on WTL has scheduled a public hearing on 03-27-13 10:00AM in conference room 225.

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 Senate Committee on  
WATER AND LAND**

**Wednesday, March 27, 2013  
10:00 AM  
State Capitol, Conference Room 225**

**In consideration of  
SENATE CONCURRENT RESOLUTION 101 / SENATE RESOLUTION 67  
AUTHORIZING THE ISSUANCE OF A TERM, NON-EXCLUSIVE EASEMENT  
COVERING A PORTION OF STATE SUBMERGED LANDS AT MOKULEIA,  
WAIALUA, OAHU, FOR THE USE, MAINTENANCE, AND REPAIR OF AN  
EXISTING SEAWALL AND STEP**

Senate Concurrent Resolution 101/Senate Resolution 67 request the authorization to issue a term, non-exclusive easement covering 101 square feet, more or less, portion of state submerged lands fronting the property identified as tax map key: (1) 6-8-004: seaward of 014, at Mokuleia, Waialua, Oahu for maintenance and repair of existing seawall and step constructed thereon, pursuant to Section 171-53, Hawaii Revised Statutes (HRS). **The Department of Land and Natural Resources (Department) supports these concurrent resolutions.**

The owner of the abutting property, Ms. Christine Fuss, was in the process of obtaining a shoreline certification. During the survey process, portion of the seawall and step were found encroaching on State lands located makai of the shoreline and therefore 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 December 14, 2012, under agenda item D-16, the Board approved the issuance of a new term, non-exclusive easement for seawall and step purposes.

The Lessee is required to pay the State the fair market value of the easement as consideration for the use of public lands. The amount of consideration is to 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  
KAIHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS