

SCR103/SR69

Measure Title: AUTHORIZING THE ISSUANCE OF A TERM, 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; Submerged Lands

Description:

Companion:

Package: None

Current Referral: WTL, WAM

Introducer(s): HEE

<u>Sort by Date</u>		Status Text
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 103/SENATE RESOLUTION 69
AUTHORIZING THE ISSUANCE OF A TERM, 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.**

Senate Concurrent Resolution 103/Senate Resolution 69 requests the authorization to issue a term, non-exclusive easement covering 110 square feet, more or less, portion of state submerged lands fronting the property identified as tax map key: (1) 6-1-003:024-0001 seaward, at Kawaiiloa, 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 these concurrent resolutions.**

The owners of the abutting property, Mr. & Mrs. Douglas Gianetti, were in the process of obtaining a shoreline certification. During the survey process, portion of the seawall was 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 January 11, 2013, under agenda item D-13, the Board approved the issuance of a new term, non-exclusive easement for seawall purposes.

The Lessee is required 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
KAIKOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS