

# SCR105/SR71

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: Board of Land and Natural Resources; Easement; Seawall

Description:

Companion:

Package: None

Current Referral: WTL, WAM

Introducer(s): SHIMABUKURO

<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 105 / SENATE RESOLUTION 71  
AUTHORIZING THE ISSUANCE OF A TERM, NON-EXCLUSIVE EASEMENT  
COVERING A PORTION OF STATE SUBMERGED LANDS AT MAKAHA  
WAIANAE, OAHU, FOR THE USE, MAINTENANCE, AND REPAIR OF AN  
EXISTING SEAWALL**

Senate Concurrent Resolution 105/Senate Resolution 71 request the authorization to issue a term, non-exclusive easement covering 131 square feet, more or less, portion of state submerged lands fronting the property identified as tax map key: (1) 8-4-005: seaward of 002, at Makaha, Waianae, 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 resolutions.**

The owner of the abutting property, West Coast Roofing, Inc., was 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 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-14, the Board approved the issuance of a new term, non-exclusive easement for seawall purposes.

The Department notes that the tax map key in the second paragraph of this concurrent resolution should be amended to "(1) 8-4-005:seaward of 002".

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  
KAIHOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS