

SCR126

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 THE RECLAMATION AND DISPOSITION OF SUBMERGED OR RECLAIMED PUBLIC LAND.

Report Title: Non-exclusive Agreement; Seawall

Description:

Companion:

Package: None

Current Referral: WTL, WAM

Introducer(s): WAKAI

<u>Sort by Date</u>		Status Text
3/13/2013	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 126
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 THE RECLAMATION AND
DISPOSITION OF SUBMERGED OR RECLAIMED PUBLIC LAND**

Senate Concurrent Resolution 126 requests the authorization to issue a term, non-exclusive easement covering 2,243 square feet, more or less, portion of state submerged lands fronting the property identified as tax map key: (1) 4-7-014: seaward of 010, at Kaalaea, Koolaupoko, Oahu for maintenance and repair of existing seawall and filled land 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 owner of the abutting property, Mr. Robert Cambra, was in the process of obtaining a shoreline certification. During the survey process, portion of the seawall and filled land 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 November 10, 2011, under agenda item D-15, the Board approved the issuance of a new term, non-exclusive easement for seawall and filled land purposes.

The Department notes that the sole applicant of the subject easement is Mr. Robert Cambra. Agnes L. Freitas Trust named in the resolution is actually the previous owner of the abutting property, who should be deleted from this resolution.

The Department hired the appraisal firm of Appraisal Hawaii Inc. who determined the one-time payment, fair market value of the easement is \$62,600.

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
KAIHOLAWA ISLAND RESERVE COMMISSION
LAND
STATE PARKS