

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 Committee on  
OCEAN, MARINE RESOURCES & HAWAIIAN AFFAIRS**

**Wednesday, March 19, 2014  
9:00 A.M.  
State Capitol, Conference Room 325**

**In consideration of  
HOUSE CONCURRENT RESOLUTION 118  
AUTHORIZING THE ISSUANCE OF A TERM, NON-EXCLUSIVE EASEMENT FOR  
SEAWALL PURPOSES FOR THE PROPERTY IDENTIFIED AS TAX MAP KEY (1) 6-  
8-010:SEAWARD OF 021 AT MOKULEIA, WAIALUA, OAHU, HAWAII**

House Concurrent Resolution 118 requests the authorization to issue a term, non-exclusive easement covering 144 square feet, more or less, portion of state submerged lands fronting the property identified as tax map key: (1) 6-8-010:seaward of 021, at Mokuleia, 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 this concurrent resolution.

The Department notes that House Concurrent Resolution 118 is similar to House Concurrent Resolution 22 which was introduced on behalf of the Administration for the current session.

The current owner of the abutting property, Gregory Michaels, worked with the Department to resolve the encroachment. The seawall and concrete footing were found encroaching on State lands located makai of the shoreline and such area should be 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". The Department notes that at its meeting on May 24, 2013, under agenda item D-13, the Board approved the issuance of a term, non-exclusive easement for seawall and concrete footing purposes. The Department suggests the language be modified to include "concrete footing" for clarification purposes.

The grantee 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 an independent appraisal.

**WILLIAM J. AILA, JR.**  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT

**JESSE K. SOUKI**  
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  
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HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS