

SCR113

**AUTHORIZING THE ISSUANCE OF A TERM, NONEXCLUSIVE
EASEMENT FOR SEAWALL PURPOSES FOR THE PROPERTY
IDENTIFIED AS TAX MAP KEY (1) 6-8-010: SEAWARD OF 014,
AT MOKULEIA, WAIALUA, OAHU, HAWAII.**

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 Senate Committee on
WATER AND LAND**

**Friday, March 21, 2014
1:05 PM
State Capitol, Conference Room 225**

**In consideration of
SENATE CONCURRENT RESOLUTION 113
AUTHORIZING THE ISSUANCE OF A TERM, NON-EXCLUSIVE EASEMENT FOR
SEAWALL PURPOSE FOR THE PROPERTY IDENTIFIED AS TAX MAP KEY (1) 6-8-
010: SEAWARD OF 014, AT MOKULEIA, WAIALUA, OAHU**

Senate Concurrent Resolution 113 requests the authorization to issue a term, non-exclusive easement covering 143 square feet, more or less, portion of state submerged lands fronting the property identified as tax map key: (1) 6-8-010:seaward 014, 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 the Administration has submitted a similar measure, Senate Concurrent Resolution 23, which was passed out by this Committee on March 10, 2014.**

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". At its meeting on May 24, 2013, under agenda item D-12, the Board approved the issuance of a term, non-exclusive easement for seawall purpose.

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 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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