

NEIL ABERCROMBIE  
GOVERNOR OF HAWAII



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  
ENGINEERING  
FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

**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  
WAYS AND MEANS**

**Tuesday, April 1, 2014  
9:00 AM**

**State Capitol, Conference Room 211**

**In consideration of  
SENATE CONCURRENT RESOLUTION 146  
AUTHORIZING THE ISSUANCE OF A TERM, NON-EXCLUSIVE EASEMENT  
COVERING A PORTION OF STATE SUBMERGED LANDS AT NIU, HONOLULU,  
OAHU, FOR THE USE, MAINTENANCE, REPAIR, REPLACEMENT, AND REMOVAL  
OF AN EXISTING CONCRETE PAD, LADDER, STEPS AND ROCK WALLS, AND FOR  
USE, MAINTENANCE, REPAIR, REPLACEMENT, AND REMOVAL OF THE EXISTING  
IMPROVEMENTS CONSTRUCTED THEREON**

Senate Concurrent Resolution 146 requests the authorization to issue a term, non-exclusive easement covering a total of 334 square feet, more or less, portion of state submerged lands fronting the property identified as tax map key: (1) 3-7-002:seaward of 045, at Niu, Honolulu, Oahu for maintenance, repair, replacement, and removal of existing concrete pad, ladder, steps, and rock walls 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, Thomas and Sandra Young, worked with the Department to resolve the encroachments. The improvements 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 February 14, 2014, under agenda item D-15, the Board approved the issuance of a term, non-exclusive easement for the subject 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.

