NEIL ABERCROMBIE GOVERNOR OF HAWAII





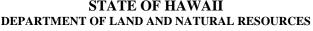
STATE OF HAWAII

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



POST OFFICE BOX 621



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). 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.

WILLIAM J. AILA, JR.

CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

WILLIAM M. TAM

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
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