

SCR146

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 THE USE, MAINTENANCE, REPAIR, REPLACEMENT, AND REMOVAL OF THE EXISTING IMPROVEMENTS CONSTRUCTED THEREON.

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**

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

**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.

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