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**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
WAYS AND MEANS**

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

State Capitol, Conference Room 211

**In consideration of
SENATE CONCURRENT RESOLUTION 17
AUTHORIZING THE ISSUANCE OF A TERM, NON-EXCLUSIVE EASEMENT
COVERING A PORTION OF STATE SUBMERGED LANDS AT LAIE, KOOLAULO, OAHU,
FOR THE MAINTENANCE AND REPAIR
OF THE EXISTING REVETMENT AND STEPS**

Senate Concurrent Resolution 17 requests the authorization to issue a term, non-exclusive easement covering 1,164 square feet, more or less, portion of state submerged lands fronting the property identified as tax map key: (1) 5-5-002: seaward of 034, at Laie, Koolauloa, Oahu for maintenance and repair of existing revetment and steps 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, Bathtub Beach LLC, worked with the Department to resolve the encroachment. The revetment and steps 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-11, the Board approved the issuance of a term, non-exclusive easement for revetment and steps 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.

Thank you for the opportunity to testify.

