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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 18
AUTHORIZING THE ISSUANCE OF A TERM, NON-EXCLUSIVE EASEMENT
COVERING A PORTION OF STATE SUBMERGED LANDS AT NIU, HONOLULU,
OAHU, FOR THE MAINTENANCE AND REPAIR
OF THE EXISTING SEAWALL AND STEPS**

Senate Concurrent Resolution 18 requests the authorization to issue a term, non-exclusive easement covering 400 square feet, more or less, portion of state submerged lands fronting the property identified as tax map key: (1) 3-7-002: seaward of 040, at Niu, Honolulu, Oahu for maintenance and repair of existing seawall 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 owners of the abutting property, Mitch and Barbara D'Olier, worked with the Department to resolve the encroachment. The seawall 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 March 12, 2004, under agenda item D-2, the Board approved the issuance of a term, non-exclusive easement for seawall and steps purposes.

The Department hired the appraisal firm of Appraisal Hawaii, Inc. who determined the one-time payment fair market value of the easement is \$18,300.

Thank you for the opportunity to testify.

