

# SCR20

**SCR20**



Submit Testimony

**Measure Title:**

AUTHORIZING THE ISSUANCE OF A TERM, NON-EXCLUSIVE EASEMENT COVERING PORTION OF STATE SUBMERGED LANDS AT MOKULEIA, WAIALUA, OAHU, FOR THE MAINTENANCE AND REPAIR OF THE EXISTING SEAWALL AND CONCRETE FOOTING, AND FOR USE, MAINTENANCE, AND REPAIR OF THE EXISTING IMPROVEMENTS CONSTRUCTED THEREON.

**Report Title:**

Non-Exclusive Easement Covering Portion of State Submerged Lands at Mokuleia, Waialua, Oahu

**Description:**

**Companion:**

**Package:** Governor

**Current Referral:** WTL, WAM

**Introducer(s):** KIM (Introduced by request of another party)

<a href="#">Sort by Date</a>		Status Text
1/23/2014	S	Offered.
1/27/2014	S	Referred to WTL, WAM.
1/31/2014	S	The committee(s) on WTL has scheduled a public hearing on 03-10-14 1:30PM in conference room 225.

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**

**Monday, March 10, 2014  
1:30 PM  
State Capitol, Conference Room 225**

**In consideration of  
SENATE CONCURRENT RESOLUTION 20  
AUTHORIZING THE ISSUANCE OF A TERM, NON-EXCLUSIVE EASEMENT  
COVERING A PORTION OF STATE SUBMERGED LANDS AT MOKULEIA,  
WAIALUA, OAHU, FOR THE MAINTENANCE AND REPAIR  
OF THE EXISTING SEAWALL AND CONCRETE FOOTING**

Senate Concurrent Resolution 20 requests the authorization to issue a term, non-exclusive easement covering 144 square feet, more or less, portion of state submerged lands fronting the property identified as tax map key: (1) 6-8-010: seaward of 021, at Mokuleia, Waialua, Oahu for maintenance and repair of existing seawall and concrete footing 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, Gregory Michaels, worked with the Department to resolve the encroachment. The seawall and concrete footing 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-13, the Board approved the issuance of a term, non-exclusive easement for seawall and concrete footing 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 independent appraisal.

Thank you for the opportunity to testify.

**WILLIAM J. AILA, JR.**  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT

**ESTHER KIA'AINA**  
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