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GOVERNOR OF HAWAII



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LAND  
STATE PARKS

**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 21  
AUTHORIZING THE ISSUANCE OF A TERM, NON-EXCLUSIVE EASEMENT  
COVERING A PORTION OF STATE SUBMERGED LANDS AT KUALOA,  
KOOLAUPOKO, OAHU, FOR THE MAINTENANCE AND REPAIR  
OF THE EXISTING SEAWALL AND STEPS**

Senate Concurrent Resolution 21 requests the authorization to issue a term, non-exclusive easement covering 448 square feet, more or less, portion of state submerged lands fronting the property identified as tax map key: (1) 4-9-009:seaward of 005, at Kualoa, Koolaupoko, 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 owner of the abutting property, Minatoya Real Estate, LLC, 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 January 11, 2013, under agenda item D-11, 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 \$18,100.



