

NEIL ABERCROMBIE  
GOVERNOR OF HAWAII



**STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES**

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

**WILLIAM J. AILA, JR.**  
CHAIRPERSON  
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COMMISSION ON WATER RESOURCE MANAGEMENT

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HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS



**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 23  
AUTHORIZING THE ISSUANCE OF TWO (2) TERM, NON-EXCLUSIVE EASEMENTS  
COVERING PORTIONS OF STATE SUBMERGED LANDS AT MOKULEIA, WAIALUA,  
OAHU, FOR THE MAINTENANCE AND REPAIR  
OF THE EXISTING SEAWALL AND ROCK PILE**

Senate Concurrent Resolution 23 requests the authorization to issue two (2) term, non-exclusive easements covering a total of 456 square feet, more or less, portion of state submerged lands fronting the property identified as tax map key: (1) 6-8-010:seaward of 014 and 015, at Mokuleia, Waialua, Oahu for maintenance and repair of existing seawall and rock pile 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, Sutton Family Partners, worked with the Department to resolve the encroachment. The seawall and rock pile 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-12, the Board approved the issuance of two (2) term, non-exclusive easements for seawall and rock pile purposes.

The grantee shall pay the State the fair market value of the easements as consideration for the use of public lands. The amount of consideration shall be determined by an independent appraisal.