

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 House Committees on  
WATER & LAND  
and  
OCEAN, MARINE RESOURCES, & HAWAIIAN AFFAIRS**

**Thursday, April 18, 2013  
2:05 PM  
State Capitol, Conference Room 224**

**In consideration of  
SENATE CONCURRENT RESOLUTION 103  
AUTHORIZING THE ISSUANCE OF A TERM, NON-EXCLUSIVE EASEMENT  
COVERING A PORTION OF STATE SUBMERGED LANDS PURSUANT TO  
SECTION 171-53, HAWAII REVISED STATUTES, RELATING TO RECLAMATION  
AND DISPOSITION OF SUBMERGED OR RECLAIMED PUBLIC LAND.**

Senate Concurrent Resolution 103 requests the authorization to issue a term, non-exclusive easement covering 110 square feet, more or less, portion of state submerged lands fronting the property identified as tax map key: (1) 6-1-003:024-0001 seaward, at Kawailoa, Waialua, Oahu for maintenance and repair of existing seawall constructed thereon, pursuant to Section 171-53, Hawaii Revised Statutes (HRS). **The Department of Land and Natural Resources (Department) supports this concurrent resolution.**

The owners of the abutting property, Mr. & Mrs. Douglas Gianetti, were in the process of obtaining a shoreline certification. During the survey process, portion of the seawall was found encroaching on State lands located makai of the shoreline and therefore 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-13, the Board approved the issuance of a new term, non-exclusive easement for seawall purposes.

The Lessee is required pay the State the fair market value of the easement as consideration for the use of public lands. The amount of consideration is to be determined by independent appraisal.

**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