

# SCR 22

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

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**

**Tuesday, March 12, 2013  
1:25 PM  
State Capitol, Conference Room 225**

**In consideration of  
SENATE CONCURRENT RESOLUTION 22  
AUTHORIZING THE ISSUANCE OF A TERM, NON-EXCLUSIVE EASEMENT  
COVERING A PORTION OF STATE SUBMERGED LANDS AT KAALAEA,  
KOOLAUPOKO, OAHU, FOR MAINTENANCE AND REPAIR OF EXISTING  
SEAWALL AND IMPROVEMENTS CONSTRUCTED THEREON**

Senate Concurrent Resolution 22 requests the authorization to issue a 55-year term, non-exclusive easement covering 117 square feet, more or less, portion of state submerged lands fronting the property identified as tax map key: (1) 4-7-024: seaward of 022, at Kaalaea, Koolaupoko, Oahu for maintenance and repair of existing seawall and improvements constructed thereon, pursuant to Section 171-53, Hawaii Revised Statutes (HRS). **The Department of Land and Natural Resources (Department) supports this concurrent resolution.**

The subject seawall encroachment was discovered during the shoreline certification process filed by the current owner, Mr. Bruce H.S. Kim. The Office of Conservation and Coastal Lands has determined that removal of the seawall encroachment will not improve the beach resources or enhance public access. 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 September 14, 2012, under agenda item D-15, the Board approved the issuance of a new term, non-exclusive easement.

The Lessee 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