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**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 22
AUTHORIZING THE ISSUANCE OF A TERM, NON-EXCLUSIVE EASEMENT
COVERING A PORTION OF STATE SUBMERGED LANDS AT HALEAHA,
KOOLAULOA, OAHU, FOR THE MAINTENANCE AND REPAIR
OF THE EXISTING SEAWALL**

Senate Concurrent Resolution 22 requests the authorization to issue a term, non-exclusive easement covering 26 square feet, more or less, portion of state submerged lands fronting the property identified as tax map key: (1) 5-3-006:seaward of 021, at Haleaha, Koolauloa, 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 previous owner of the abutting property, Cho Gilger, worked with the Department to resolve the encroachment. Property was subsequently sold to the current owner, Phillip T. Spencer and Lisa T. Spencer, as Trustees around 2009. The seawall was 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 July 25, 2003, under agenda item D-12, the Board approved the issuance of a term, non-exclusive easement for seawall purposes.

The staff appraiser determined the one-time payment fair market value of the easement is \$580.

