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STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES

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Testimony of  
**CARTY S. CHANG**  
Interim Chairperson

Before the Senate Committee on  
**WAYS AND MEANS**

Monday, March 30, 2015  
9:00 AM  
State Capitol, Room 211

In consideration of  
**SENATE CONCURRENT RESOLUTION 16**  
**AUTHORIZING THE ISSUANCE OF A TERM, NON-EXCLUSIVE EASEMENT**  
**COVERING A PORTION OF STATE SUBMERGED LANDS AT HAULA,**  
**KOOLAULOA, OAHU, FOR THE USE, MAINTENANCE AND REPAIR**  
**OF THE EXISTING RESIDENCE, FOUNDATION, AND LANAI**

Senate Concurrent Resolution 16 requests the authorization to issue a term, non-exclusive easement covering 542 square feet, more or less, portion of state submerged lands fronting the property identified as tax map key: (1) 5-4-010:seaward of 009, at Hauula, Koolauloa, Oahu for use, maintenance and repair of existing residence, foundation and lanai constructed thereon, pursuant to Section 171-53, Hawaii Revised Statutes (HRS). **The Department of Land and Natural Resources (“Department”) supports this Administration concurrent resolution.**

The current owners of the abutting property, Scott & Beverly-Jo Miyasaki<sup>1</sup> and Tracy Lindo, worked with the Department to resolve the encroachment. The improvements 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 August 22, 2014, under agenda item D-20, the Board approved the issuance of a term, non-exclusive easement for purposes stated above.

The grantee 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 an independent appraisal.

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<sup>1</sup> The correct name of one of the owners should be Beverly-Jo Miyasaki.