

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
OCEAN, MARINE RESOURCES, & HAWAIIAN AFFAIRS
and
WATER & LAND**

**Wednesday, February 15, 2013
10:50 AM
State Capitol, Conference Room 325**

**In consideration of
HOUSE CONCURRENT RESOLUTION 37
AUTHORIZING THE ISSUANCE OF A PERPETUAL, NON-EXCLUSIVE EASEMENT
COVERING A PORTION OF STATE SUBMERGED LANDS AT KAPAHULU.
HONOLULU, OAHU, FOR THE USE, MAINTENANCE, AND REPAIR OF AN
EXISTING SEAWALL AND STEPS**

House Concurrent Resolution 37 requests the authorization to issue a perpetual, non-exclusive easement covering 125 square feet, more or less, portion of state submerged lands fronting the property identified as tax map key: (1) 3-1-038: seaward of 042, at Kapahulu, Honolulu, 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 owner of the abutting property, Dr. Richard Kelley, is in the process of purchasing a remnant, which is a portion of Old Diamond Head Road from the State. During the survey of the remnant area, the Department of Accounting and General Services - Survey Division determined that 125 square feet 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 13, 2012, under agenda item D-10, the Board approved the issuance of a new 55-year term, non-exclusive easement for seawall and steps purposes.

The Department hired the appraisal firm of Medusky & Co., Inc. who determined the one-time payment, fair market value of the easement is \$24,149.

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