

NEIL ABERCROMBIE
GOVERNOR OF HAWAII



**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES**

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HONOLULU, HAWAII 96809

**Testimony of
WILLIAM J. AILA, JR
Chairperson**

**Before the House Committee on
OCEAN, MARINE RESOURCES & HAWAIIAN AFFAIRS**

**Wednesday, March 12, 2014
9:00 A.M.
State Capitol, Conference Room 325**

**In consideration of
HOUSE CONCURRENT RESOLUTION 22
AUTHORIZING THE ISSUANCE OF A TERM, NON-EXCLUSIVE EASEMENT
COVERING A PORTION OF STATE SUBMERGED LANDS AT MOKULEIA,
WAIALUA, OAHU, FOR THE MAINTENANCE AND REPAIR
OF THE EXISTING SEAWALL AND CONCRETE FOOTING**

House Concurrent Resolution 22 requests the authorization to issue a term, non-exclusive easement covering 144 square feet, more or less, portion of state submerged lands fronting the property identified as tax map key: (1) 6-8-010:seaward of 021, at Mokuleia, Waialua, Oahu for maintenance and repair of existing seawall and concrete footing constructed thereon, pursuant to Section 171-53, Hawaii Revised Statutes (HRS). The Department of Land and Natural Resources ("Department") supports this concurrent resolution.

The current owner of the abutting property, Gregory Michaels, worked with the Department to resolve the encroachment. The seawall and concrete footing 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 May 24, 2013, under agenda item D-13, the Board approved the issuance of a term, non-exclusive easement for seawall and concrete footing purposes.

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 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

JESSE K. SOUKI
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
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March 11, 2014

MEMO TO: Representative Faye P. Hanohano Chair
Representative Ty J.K. Cullen, Vice Chair
Committee on Ocean, Marine Resources, & Hawaiian Affairs

SUBJECT: Testimony for House Resolution HCR 022
Committee on Ocean, Marine Resources, & Hawaiian Affairs 3/12/14

MEMO FROM: Lauri Clegg, Analytical Planning Consultants
on behalf of Gregory Michaels Property Owner
Email: dcleggapc@hawaii.rr.com

TESTIMONY:

In support of HCR 022 authorizing the issuance of a term, non-exclusive easement covering a portion of State submerged lands at Mokuleia, Waialua, Oahu, for the maintenance and repair of the existing seawall and concrete footing that encroaches Makai of the shoreline. The easement is required in order for a certified shoreline to be issued and building permits obtained for maintenance of the shoreline protection structure. The easement request was approved by the Board of the Department of Land and Natural Resources and requires subsequent Legislative and Executive approval. Thank you for your consideration.

Sincerely,

Lauri Clegg
Representing the Owner