
HOUSE CONCURRENT
RESOLUTION

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

1 WHEREAS, the existing seawall on state submerged lands
2 fronting the property identified as Tax Map Key: (1) 4-4-018:
3 seaward of 069, Kaneohe, Koolaupoko, Oahu, appears to be long
4 established as confirmed by observations conducted by the
5 Department of Land and Natural Resources (Department); and
6

7 WHEREAS, around 2001, the Department informed the owner,
8 Yamashiro Investments, about the encroachment on state submerged
9 lands and worked with the owner to resolve the encroachment; and
10

11 WHEREAS, on September 2002, the Department's Office of
12 Conservation and Coastal Lands indicated its support for the
13 issuance of an easement to resolve the encroachment; and
14

15 WHEREAS, on December 13, 2002, under agenda item D-9, the
16 Board of Land and Natural Resources approved a grant of a 55-
17 year non-exclusive easement to resolve the encroachment; and
18

19 WHEREAS, the owner paid the consideration for the easement
20 around March 2011; and
21

22 WHEREAS, section 171-53, Hawaii Revised Statutes, requires
23 the prior approval of the Governor and prior authorization of
24 the Legislature by concurrent resolution for this disposition of
25 state submerged lands; now, therefore,
26

27 BE IT RESOLVED by the House of Representatives of the
28 Twenty-seventh Legislature of the State of Hawaii, Regular
29 Session of 2014, the Senate concurring, that the Board of Land
30 and Natural Resources is hereby authorized to issue a term, non-
31 exclusive easement covering a portion of state submerged lands

1 fronting the property identified as Tax Map Key: (1) 4-4-018:
2 seaward of 069, Kaneohe, Koolaupoko, Oahu, for the maintenance
3 and repair of the existing seawall, and for use, maintenance,
4 and repair of the existing improvements constructed thereon,
5 pursuant to section 171-53, Hawaii Revised Statutes; and
6

7 BE IT FURTHER RESOLVED that a certified copy of this
8 Concurrent Resolution be transmitted to the Chairperson of the
9 Board of Land and Natural Resources

10
11
12 OFFERED BY:

A handwritten signature in black ink, appearing to read 'J. Smith', is written over a horizontal line.

BY REQUEST

JAN 21 2014

10
11
12
13
14
15
16
17

JUSTIFICATION SHEET

DEPARTMENT: Land and Natural Resources

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

PURPOSE: To seek the authorization of the Legislature by concurrent resolution of the issuance of a term, non-exclusive easement by the Board of Land and Natural Resources (Board) for the maintenance and repair of the existing seawall and for use, maintenance, and repair of the existing improvements constructed thereon.

MEANS: Concurrent resolution pursuant to section 171-53, Hawaii Revised Statutes (HRS).

JUSTIFICATION: Around 2001, the Department of Land and Natural Resources (Department) informed the owner, Yamashiro Investments, about the encroachment of a seawall, believed to be placed on state submerged lands for a long time as confirmed by the observation conducted by the Department, fronting the property identified as Tax Map Key: (1) 4-4-018: seaward of 069, Kaneohe, Koolaupoko, Oahu, and was working with the owner to resolve the encroachment.

On September 20, 2002, the Department's Office of Conservation and Coastal Lands indicated its support for the issuance of an easement to resolve the encroachment.

At its meeting of December 13, 2002, under agenda item D-9, the Board approved a grant of a 55-year non-exclusive easement to resolve the encroachment.

Section 171-53, HRS, requires the prior approval of the Governor and prior authorization of the Legislature by concurrent resolution for this disposition of state submerged lands. This concurrent resolution has been prepared in compliance with the requirements of section 171-53, HRS.

Impact on the public: None.

Impact on the department and other agencies:
None.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM
DESIGNATION: LNR 101.

OTHER AFFECTED
AGENCIES: None.

EFFECTIVE DATE: Upon adoption.