

JAN 23 2014

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# SENATE CONCURRENT RESOLUTION

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

1           WHEREAS, the existing seawall and steps were placed on  
2 state submerged lands fronting the property identified as Tax Map  
3 Key: (1) 3-7-002: seaward of 040, Niu, Honolulu, Oahu; and  
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5           WHEREAS, around 2003, the Department of Land and Natural  
6 Resources (Department) worked with the owners, Mitch and Barbara  
7 D'Olier, to resolve the encroachments; and  
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9           WHEREAS, on September 17, 2003, the Department's Office of  
10 Conservation and Coastal Lands (Office) determined that the  
11 seawall and steps were not Conservation District violations and  
12 the Office had no objection to the issuance of an easement to  
13 resolve the encroachments; and  
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15           WHEREAS, on March 1, 2004, under agenda item D-2, the Board  
16 of Land and Natural Resources approved a grant of a 55-year non-  
17 exclusive easement to resolve the encroachments; and  
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19           WHEREAS, section 171-53, Hawaii Revised Statutes, requires  
20 the prior approval of the Governor and prior authorization of  
21 the Legislature by concurrent resolution for this disposition of  
22 state submerged lands; now, therefore,  
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24           BE IT RESOLVED by the Senate of the Twenty-seventh  
25 Legislature of the State of Hawaii, Regular Session of 2014, the  
26 House of Representatives concurring, that the Board of Land and  
27 Natural Resources is hereby authorized to issue a term, non-  
28 exclusive easement covering a portion of state submerged lands  
29 fronting the property identified as Tax Map Key: (1) 3-7-002:  
30 seaward of 040, Niu, Honolulu, Oahu, for the maintenance and  
31 repair of the existing seawall and steps, and for use,

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1 maintenance, and repair of the existing improvements constructed  
2 thereon, pursuant to section 171-53, Hawaii Revised Statutes;  
3 and

4  
5 BE IT FURTHER RESOLVED that a certified copy of this  
6 Concurrent Resolution be transmitted to the Chairperson of the  
7 Board of Land and Natural Resources.

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10 OFFERED BY:   
11 BY REQUEST  
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# S. C. R. NO. 18

## 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 NIU, HONOLULU, OAHU, FOR THE MAINTENANCE AND REPAIR OF THE EXISTING SEAWALL AND STEPS, 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 steps, 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 2003, the Department of Land and Natural Resources (Department) worked with the owners, Mitch and Barbara D'Olier, to resolve the encroachments of a seawall and steps on state submerged lands fronting the property identified as Tax Map Key: (1) 3-7-002: seaward of 040, Niu, Honolulu, Oahu.

On September 17, 2003, the Department's Office of Conservation and Coastal Lands (Office) determined that the seawall and steps were not Conservation District violations and the Office had no objection to the issuance of an easement to resolve the encroachments.

At its meeting of March 1, 2004, under agenda item D-2, the Board approved a grant of a 55-year non-exclusive easement to resolve the encroachments.

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.