

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 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  
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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  
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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  
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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  
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19           WHEREAS, the owner paid the consideration for the easement  
20           around March 2011; and  
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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,  
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27           BE IT RESOLVED by the Senate of the Twenty-seventh  
28           Legislature of the State of Hawaii, Regular Session of 2014, the  
29           House of Representatives concurring, that the Board of Land and  
30           Natural Resources is hereby authorized to issue a term, non-  
31           exclusive easement covering a portion of state submerged lands

S.C.R. NO. 24

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  
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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.

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OFFERED BY:   
BY REQUEST

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.