SENATE CONCURRENT RESOLUTION

AUTHORIZING THE ISSUANCE OF A TERM, NON-EXCLUSIVE EASEMENT COVERING PORTION OF STATE SUBMERGED LANDS AT KAHALUU, Koolaupoko, Oahu, FOR THE USE, MAINTENANCE, AND REPAIR OF THE EXISTING SEAWALL CONSTRUCTED THEREON.

WHEREAS, the existing seawall fronting the property identified as Tax Map Key: (1) 4-7-011: seaward of 001, Kahaluu, Koolaupoko, Oahu, was placed on state submerged lands; and

WHEREAS, around March 16, 1966, the Department of Land and Natural Resources (Department) worked with the owner, Kahaluu Pond, Inc., to resolve the encroachment; and

WHEREAS, on July 24, 1981, the Department's Office of Conservation and Coastal Lands indicated its support to the issuance of an easement to resolve the encroachment and had issued conservation district use permits for certain land uses in 1981; and

WHEREAS, on March 1, 1984, a non-exclusive easement was initially issued to Kahaluu Pond, Inc., which expired on February 28, 2014; and

WHEREAS, on October 11, 2013, under agenda item D-6, the Board of Land and Natural Resources approved a grant of a new 55-year non-exclusive easement to resolve the encroachment; and

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

BE IT RESOLVED by the Senate of the Twenty-eighth Legislature of the State of Hawaii, Regular Session of 2015, the House of Representatives concurring, that the Board of Land and Natural Resources is hereby authorized to issue a term, non-
exclusive easement covering a portion of state submerged lands
fronting the property identified as Tax Map Key: (1) 4-7-011:
seaward of 001, Kahaluu, Koolaupoko, Oahu, for the use,
maintenance, and repair of the existing seawall constructed
thereon, pursuant to section 171-53, Hawaii Revised Statutes;
and

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

OFFERED BY: [Signature]
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 KAHALUU, Koolaupoko, Oahu, FOR THE USE, MAINTENANCE, AND REPAIR OF THE EXISTING SEAWALL 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 use, maintenance, and repair of the existing seawall constructed thereon.

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

JUSTIFICATION: Around March 16, 1966, the Department worked with the owner Kahaluu Pond, Inc., to resolve the encroachment of a seawall on state submerged lands fronting the property identified as Tax Map Key: (1) 4-7-011: seaward of 001, Kahaluu, Koolaupoko, Oahu.

On July 24, 1981, the Department's Office of Conservation and Coastal Lands indicated its support to the issuance of an easement to resolve the encroachment and had issued conservation district use permits OA-1292 and OA-1331, approved June 12, 1981, and July 24, 1981, respectively.

On March 1, 1984, a non-exclusive easement was initially issued to Kahaluu Pond, Inc., which expired on February 28, 2014.

At its meeting of October 11, 2013, under agenda item D-6, the Board approved a grant of a new 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.