

JAN 28 2015

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.

1 WHEREAS, the existing seawall fronting the property
2 identified as Tax Map Key: (1) 4-7-011: seaward of 001, Kahaluu,
3 Koolaupoko, Oahu, was placed on state submerged lands; and
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5 WHEREAS, around March 16, 1966, the Department of Land and
6 Natural Resources (Department) worked with the owner, Kahaluu
7 Pond, Inc., to resolve the encroachment; and
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9 WHEREAS, on July 24, 1981, the Department's Office of
10 Conservation and Coastal Lands indicated its support to the
11 issuance of an easement to resolve the encroachment and had
12 issued conservation district use permits for certain land uses
13 in 1981; and
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15 WHEREAS, on March 1, 1984, a non-exclusive easement was
16 initially issued to Kahaluu Pond, Inc., which expired on
17 February 28, 2014; and
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19 WHEREAS, on October 11, 2013, under agenda item D-6, the
20 Board of Land and Natural Resources approved a grant of a new
21 55-year non-exclusive easement to resolve the encroachment; and
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23 WHEREAS, section 171-53, Hawaii Revised Statutes, requires
24 the prior approval of the Governor and prior authorization of
25 the Legislature by concurrent resolution for this disposition of
26 state submerged lands; now, therefore,
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28 BE IT RESOLVED by the Senate of the Twenty-eighth
29 Legislature of the State of Hawaii, Regular Session of 2015, the
30 House of Representatives concurring, that the Board of Land and
31 Natural Resources is hereby authorized to issue a term, non-

1 exclusive easement covering a portion of state submerged lands
2 fronting the property identified as Tax Map Key: (1) 4-7-011:
3 seaward of 001, Kahaluu, Koolaupoko, Oahu, for the use,
4 maintenance, and repair of the existing seawall constructed
5 thereon, pursuant to section 171-53, Hawaii Revised Statutes;
6 and

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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: 
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, Koolau-poko, 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.