
HOUSE CONCURRENT RESOLUTION

AUTHORIZING THE ISSUANCE OF A TERM, NON-EXCLUSIVE EASEMENT
COVERING A PORTION OF STATE SUBMERGED LANDS AT KAPAA,
KAWAIHAU, KAUAI, FOR CONSTRUCTION OF A GROIN AND FOR USE,
REPAIR, AND MAINTENANCE OF THE IMPROVEMENTS CONSTRUCTED
THEREON.

1 WHEREAS, certain property is located on a portion of
2 government land located seaward of Kapaa, Kawaihau, Kauai, and
3 identified as Tax Map Key: (4) 4-3-009:seaward of 050; and
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5 WHEREAS, a shoreline encroachment exists on the property;
6 and
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8 WHEREAS, in 2012, removal of a seventy-foot long concrete
9 groin at the northern boundary of the site resulted in severe
10 erosion in the area; and
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12 WHEREAS, the groin served to shelter the subject beach from
13 nearshore currents which in turn served to slow littoral drift;
14 and
15

16 WHEREAS, removal of the groin resulted in an increase of
17 longshore littoral drift, which in turn exacerbated erosion so
18 that approximately five hundred cubic yards of sand were
19 transported away from the subject beach over a two-year period;
20 and
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22 WHEREAS, in response to the erosion, a temporary emergency
23 erosion control structure was installed in 2017, with
24 authorization from the Department of Land and Natural Resources,
25 and in 2020, the emergency structure was repaired and
26 lengthened; and



1 WHEREAS, the emergency structure was authorized to remain
2 in place for a period of three years while a long-term solution
3 could be implemented; and
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5 WHEREAS, the small-scale beach nourishment project was
6 approved by the Department of Land and Natural Resources on
7 June 4, 2019 (DLNR Ref: SSBN KA 19-3830); and
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9 WHEREAS, as part of the small-scale beach nourishment
10 authorization, the emergency erosion control structure
11 (DLNR Ref: Emer. CDUA KA-17-16) was authorized to remain in
12 place until the second nourishment effort is initiated,
13 approximately three years following the initial nourishment; and
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15 WHEREAS, the proposed long-term solution was developed by a
16 consultant to the Association of Unit Owners of Kauai Kailani
17 Condominiums, which subsequently applied for approval of the
18 installation of a temporary sandbag groin structure and
19 placement of approximately 1,140 cubic yards of beach-quality
20 sand sourced from the Waipouli Drainage Canal at Tax Map
21 Key: (4) 4-3-008:017; and
22

23 WHEREAS, the sand intended to be used for the fill is
24 compatible with the existing beach following the *Guidelines for*
25 *SSBN Cat II General Application* of the Office of Conservation
26 and Coastal Lands of the Department of Land and Natural
27 Resources; and
28

29 WHEREAS, beach nourishment is proposed to take place over
30 one preliminary nourishment, followed by several smaller
31 periodic nourishments to ensue over a ten-year period; and
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33 WHEREAS, the Office of Conservation and Coastal Lands of
34 the Department of Land and Natural Resources recommended that
35 the Chairperson of the Board of Land and Natural Resources
36 approve the Category II Small Scale Beach Nourishment
37 application KA-19-3830 for the Kauai Kailani Groin and Sand
38 Placement Project at Kapaa, Kauai, fronting Tax Map
39 Keys: (4) 4-3-009:-50 and (4) 4-3-008:017; and
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41 WHEREAS, as a result, the evaluation criteria of the Office
42 of Conservation and Coastal Lands of the Department of Land and



1 Natural Resources supported a disposition of shoreline
2 encroachment by the issuance of an easement; and
3

4 WHEREAS, on February 14, 2020, under agenda item D-3, the
5 Board of Land and Natural Resources approved the issuance of a
6 right-of-entry permit for the construction, maintenance, and
7 repair of a temporary emergency erosion control structure to the
8 Association of Unit Owners of Kauai Kailani; and
9

10 WHEREAS, the subject area is about 1,764 square feet, which
11 will be reviewed and approved by the Department of Accounting
12 and General Services' Land Survey Division; and
13

14 WHEREAS, the grantee will be required to pay the State the
15 fair market value of the easement, to be determined by an
16 independent appraiser, as consideration for the use of public
17 lands; 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 to lease state
22 submerged lands; now, therefore,
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24 BE IT RESOLVED by the House of Representatives of the
25 Thirty-first Legislature of the State of Hawaii, Regular Session
26 of 2021, the Senate 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 located at Kapaa, Kawaihau, Kauai, and identified as Tax Map
30 Key: (4) 4-3-009:seaward of 050 for construction of a groin and
31 for use, repair, and maintenance of the existing improvements
32 constructed thereon pursuant to section 171-53, Hawaii Revised
33 Statutes; and
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35 BE IT FURTHER RESOLVED that certified copies of this
36 Concurrent Resolution be transmitted to the Governor and
37 Chairperson of the Board of Land and Natural Resources.

