

MAR 12 2021

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# SENATE CONCURRENT RESOLUTION

AUTHORIZING THE AMENDMENT OF A TERM, NON-EXCLUSIVE EASEMENT  
COVERING A PORTION OF STATE SUBMERGED LANDS AT KAPAA,  
KAWAIHAU, KAUAI, FOR CONSTRUCTION OF A GROIN AND FOR SMALL-  
SCALE BEACH RESTORATION, 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  
4

5           WHEREAS, a shoreline encroachment exists on the property;  
6 and  
7

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  
11

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  
21

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



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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  
4

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  
8

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  
14

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  
32

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



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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

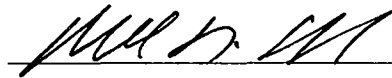
13  
14 WHEREAS, the grantee will be required to pay the State the  
15 fair market value of the easement as consideration for the use  
16 of public lands to be determined by an independent appraiser;  
17 and

18  
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,

23  
24 BE IT RESOLVED by the Senate of the Thirty-first  
25 Legislature of the State of Hawaii, Regular Session of 2021, the  
26 House of Representatives concurring, that the Board of Land and  
27 Natural Resources is hereby authorized to amend a term, non-  
28 exclusive easement covering a portion of state submerged lands  
29 located seaward of Kapaa, Kawaihau, Kauai, and identified as Tax  
30 Map Key: (4) 4-3-009:seaward of 050 for construction of a groin  
31 and for use, repair, and maintenance of the existing  
32 improvements constructed thereon pursuant to section 171-53,  
33 Hawaii Revised Statutes; and

34  
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.

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39  
40 OFFERED BY:

  
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**By Request**

