

JAN 22 2008

SENATE CONCURRENT RESOLUTION

AUTHORIZING THE LEASE OF EASEMENT COVERING PORTION OF SUBMERGED
LANDS AT HONOULIULI, EWA, OAHU, FOR DRAINAGE CHANNEL
PURPOSES.

1 WHEREAS, Haseko (Ewa), Inc. is requesting permission to
2 excavate a drainage channel as part of the Papipi Road drainage
3 improvements to primarily benefit the existing Ewa Beach
4 community along Papipi Drive and Papipi Road and to also address
5 some of Haseko's Ocean Pointe project runoff; and
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7 WHEREAS, the Board of Land and Natural Resources on May 11,
8 2007, issued its Findings of Fact, Conclusions of Law, and
9 Decision and Order granting Haseko's Conservation District Use
10 Permit request for drainage channel improvements; and
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12 WHEREAS, the Board of Land and Natural Resources on July
13 13, 2007, under agenda item D-3, authorized the direct issuance
14 of a perpetual, non-exclusive easement, land license, and
15 construction right-of-entry for the use of 2,320 square feet of
16 state submerged lands, subject to certain terms and conditions;
17 and
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19 WHEREAS, Haseko is requesting an early construction
20 commencement date for the drainage channel improvements to
21 provide relief from potential flooding for the Ewa community,
22 including the Ewa Beach Elementary School, before the next rainy
23 season; and
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25 WHEREAS, Haseko is willing to provide a deposit to cover
26 the estimated consideration, fees, and other costs prior to the
27 execution of a land document to ensure the completion of the
28 documents; and
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1 WHEREAS, Mr. Michael Lee, Intervenor, has appealed the
2 Board of Land and Natural Resources' decision on Haseko's
3 Conservation District Use Permit request to the First Circuit
4 Court; and

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6 WHEREAS, Haseko has expressed its willingness to restore
7 the state submerged land in the event the Board of Land and
8 Natural Resources' decision is overturned; and

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10 WHEREAS, Haseko on July 19, 2007 signed the construction
11 right-of-entry letter and on July 23, 2007 paid \$17,775 deposit
12 for the easement consideration and document fees; and

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14 WHEREAS, section 171-53, Hawaii Revised Statutes, requires
15 the prior approval of the Governor and prior authorization of
16 the Legislature by concurrent resolution before submerged public
17 lands may be granted an easement; now, therefore,

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19 BE IT RESOLVED by the Senate of the Twenty-fourth
20 Legislature of the State of Hawaii, Regular Session of 2008, the
21 House of Representatives concurring, that the Board of Land and
22 Natural Resources is hereby authorized to grant an easement
23 covering a portion of submerged lands at Honouliuli, Ewa, Oahu,
24 for drainage channel purposes pursuant to section 171-53, Hawaii
25 Revised Statutes; and

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

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33 OFFERED BY: _____
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35 BY REQUEST

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JUSTIFICATION SHEET

DEPARTMENT: Land and Natural Resources

TITLE: CONCURRENT RESOLUTION AUTHORIZING THE LEASE OF EASEMENT COVERING PORTION OF SUBMERGED LANDS AT HONOULIULI, EWA, OAHU, FOR DRAINAGE CHANNEL PURPOSES.

PURPOSE: To seek the approval of the Legislature by concurrent resolution to permit the issuance of an easement for submerged lands at Honouliuli, Ewa, Oahu, for drainage channel purposes.

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

JUSTIFICATION: Haseko (Ewa), Inc. is requesting to excavate a 2,320 square foot drainage channel on state submerged lands as part of the Papipi Road drainage improvements to primarily benefit the existing Ewa Beach community along Papipi Drive and Papipi Road. The drainage improvements will also address some of Haseko's Ocean Pointe project runoff.

The Board of Land and Natural Resources (Board) on May 11, 2007, issued its Findings of Fact, Conclusions of Law, and Decision and Order granting Haseko's Conservation District Use Permit request for drainage channel improvements.

The Board on July 13, 2007, under agenda item D-3, authorized the direct issuance of a perpetual, non-exclusive easement, land license, and construction right-of-entry to Haseko (Ewa), Inc. for the use of state submerged lands, subject to certain terms and conditions.

Haseko is willing to provide a deposit to cover the estimated consideration, fees and other costs prior to the execution of a land document to ensure the completion of the documents.

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Mr. Michael Lee, Intervener, has appealed the Board's decision on Haseko's Conservation District Use Permit request to the First Circuit Court.

Haseko has expressed its willingness to restore the state land in the event the Board's decision is ultimately overturned.

Haseko on July 19, 2007 signed the construction right-of-entry letter and on July 23, 2007 paid the \$17,775 deposit for the easement consideration and document fees.

This concurrent resolution is requested to allow for the Department to grant an easement for submerged lands as required under section 171-53, HRS.

Impact on the public: Provide relief from potential flooding for the Ewa community.

Impact on the department and other agencies: Enhanced ability to generate revenues.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM DESIGNATION: LNR 101.

OTHER AFFECTED AGENCIES: None.

EFFECTIVE DATE: Upon adoption.