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## HOUSE CONCURRENT RESOLUTION

AUTHORIZING THE ISSUANCE OF A TERM, NON-EXCLUSIVE EASEMENT  
COVERING A PORTION OF STATE SUBMERGED LANDS AT LANIKAI,  
KOOLAPOKO, OAHU, FOR SEAWALL AND REVETMENT PURPOSES.

1           WHEREAS, the 18,376 square foot property was developed with  
2 a single-family dwelling built in 1939 and a shoreline  
3 protection structure around 1953 prior to the establishment of  
4 the state land use laws; and

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6           WHEREAS, on September 13, 1968, the previous owners of the  
7 subject and three adjoining properties obtained Shore Water  
8 Construction Permit No. 1395 issued by the Harbors Division of  
9 the Department of Transportation to construct a six- to eight-  
10 foot wide "protective stone blanket for erosion control" seaward  
11 of the existing five-foot high retaining walls; and

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13           WHEREAS, in October, 1968, the City and County of Honolulu  
14 Planning Commission granted a variance to permit the  
15 construction of the stone blanket; and

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17           WHEREAS, permission was also obtained from the United  
18 States Army Corp of Engineers and the Department of Land and  
19 Natural Resources; and

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21           WHEREAS, the Office of Conservation and Coastal Lands of  
22 the Department of Land and Natural Resources in a letter dated  
23 September 18, 2008, stated that it does not consider the stone  
24 blanket to be a conservation district violation and that the  
25 structure provides stability and erosion control; and

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27           WHEREAS, on January 13, 2012, under agenda item BD-17, the  
28 Board of Land and Natural Resources approved the request for a  
29 non-exclusive easement by the owners, James Hugh Duncan and  
30 Barbara-Jeann Duncan; and



1 WHEREAS, the encroachment area was determined to be  
2 approximately 1,268 square feet; and

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4 WHEREAS, on October 16, 2012, the Land Division of the  
5 Department of Land and Natural Resources confirmed acceptance by  
6 the owners of the consideration payable for the subject easement  
7 as determined by an independent appraisal dated August 27, 2012;  
8 and

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10 WHEREAS, section 171-53, Hawaii Revised Statutes, requires  
11 the prior approval of the Governor and prior authorization of  
12 the Legislature by Concurrent Resolution to lease state  
13 submerged lands; now, therefore,

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15 BE IT RESOLVED by the House of Representatives of the  
16 Twenty-seventh Legislature of the State of Hawaii, Regular  
17 Session of 2013, the Senate concurring, that the Board of Land  
18 and Natural Resources is authorized to issue a term, non-  
19 exclusive easement covering a portion of state submerged lands  
20 identified as tax map key (1) 4-3-005: seaward of 56, at  
21 Lanikai, Oahu, Hawaii for seawall and revetment purposes; and

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23 BE IT FURTHER RESOLVED that certified copies of this  
24 Concurrent Resolution be transmitted to the Governor and  
25 Chairperson of the Board of Land and Natural Resources.

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OFFERED BY: 

FEB 15 2013