
HOUSE CONCURRENT
RESOLUTION

AUTHORIZING THE ISSUANCE OF A TERM, NON-EXCLUSIVE EASEMENT COVERING PORTION OF STATE SUBMERGED LANDS AT KAIPAPAU, KOOLAULOA, OAHU, FOR THE MAINTENANCE AND REPAIR OF THE EXISTING ROCK SEAWALL, AND FOR USE, REPAIR, AND MAINTENANCE OF THE EXISTING IMPROVEMENTS CONSTRUCTED THEREON.

1 WHEREAS, portions of the existing rock seawall fronting the
2 property identified as Tax Map Key: (1) 5-4-003: seaward of 035,
3 Kaipapau, Koolauloa, Oahu, was placed upon state submerged
4 lands; and
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6 WHEREAS, in late 2014, the Department of Land and Natural
7 Resources' Office of Conservation and Coastal Lands worked with
8 the property owners, August and Veronica Monge, to resolve the
9 encroachment; and
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11 WHEREAS, the Board of Land Natural Resources, at its
12 meeting on February 27, 2015, approved the conservation district
13 use permit request to resolve the encroachment, subject to the
14 owners obtaining appropriate authorization from the State for
15 the occupancy of state lands; and
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17 WHEREAS, on July 10, 2015, under agenda item D-7, the Board
18 of Land and Natural Resources approved a grant of a 55-year non-
19 exclusive easement to resolve the encroachment; and
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21 WHEREAS, the subject area is about 350 square feet, which
22 will be reviewed and approved by the Department of Accounting
23 and General Services' Survey Division; and
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25 WHEREAS, the grantees shall pay the State the fair market
26 value of the easement as consideration of the use of public
27 lands to be determined by an independent appraisal; and
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29 WHEREAS, section 171-53, Hawaii Revised Statutes, requires
30 the prior approval of the Governor and prior authorization of

1 the Legislature by concurrent resolution to lease state
2 submerged lands; now, therefore,
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4 BE IT RESOLVED by the House of the Representatives of the
5 Twenty-eighth Legislature of the State of Hawaii, Regular
6 Session of 2016, the Senate concurring, that the Board of Land
7 and Natural Resources is hereby authorized to issue a term, non-
8 exclusive easement covering a portion of state submerged lands
9 fronting the property identified as Tax Map Key: (1) 5-4-003:
10 seaward of 035, Kaipapau, Koolauloa, Oahu, for the maintenance
11 and repair of the existing rock seawall, and for use, repair,
12 and maintenance of the existing improvements constructed thereon
13 pursuant to section 171-53, Hawaii Revised Statutes; and
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15 BE IT FURTHER RESOLVED that a certified copy of this
16 Concurrent Resolution be transmitted to the Chairperson of the
17 Board of Land and Natural Resources.
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21 OFFERED BY: 
22 BY REQUEST

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24 JAN 25 2016
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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 KAIPAPAU, KOOLAULOA, OAHU, FOR THE MAINTENANCE AND REPAIR OF THE EXISTING ROCK SEAWALL, AND FOR USE, REPAIR, AND MAINTENANCE OF THE EXISTING IMPROVEMENTS 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 maintenance and repair of the existing rock seawall, and for use, repair, and maintenance of the existing improvements constructed thereon.

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

JUSTIFICATION: Portions of the existing rock seawall fronting the property identified as Tax Map Key: (1) 5-4-003: seaward of 035, Kaipapau, Koolauloa, Oahu, was discovered to be encroaching upon state submerged lands. In late 2014, the Department's Office of Conservation and Coastal Lands worked with the property owners, August and Veronica Monge, to resolve the encroachment.

The Board, at its meeting on February 27, 2015, approved the Conservation District Use Permit request to resolve the encroachment, subject to the owners obtaining appropriate authorization from the State for the occupancy of state land.

Subsequently, at its meeting of July 10, 2015, under agenda item D-7, the Board approved a grant of a 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 to lease state submerged lands. As such, 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.