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## HOUSE CONCURRENT RESOLUTION

AUTHORIZING THE SALE OF A LEASE OF CERTAIN SUBMERGED LANDS AT  
KALIHI-KAI, HONOLULU, OAHU, BY PUBLIC AUCTION.

1           WHEREAS, unrecorded Lease No. H-78-5 was issued to Annette  
2 L. Nahinu, DBA La Mariana Sailing Club, as lessee, made on July  
3 14, 1978, encompassing 103,390 square feet of state submerged  
4 lands identified by Tax Map Key: (1) 1-2-023:052, Kalihi-Kai,  
5 Honolulu, Oahu; and

6  
7           WHEREAS, the term of Lease No. H-78-5 was for thirty-five  
8 years commencing May 1, 1979 and ending April 30, 2014; and

9  
10          WHEREAS, under the terms of Lease No. H-78-5, the lessee  
11 agreed to construct certain improvements which would be used  
12 principally for a private sailing club for sailboats; and

13  
14          WHEREAS, under the terms of Lease No. H-78-5, the lessee  
15 was required to construct suitable piers; and

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17          WHEREAS, under the terms of Lease No. H-78-5, the lessee  
18 was allowed to construct a clubhouse with a snack bar and a bar  
19 for members, bathrooms with showers for men and women, and a  
20 building to house an office, recreation room, bathroom and  
21 kitchenette, workshop, lockers, and a caretaker's quarters; and

22  
23          WHEREAS, under the terms of Lease No. H-78-5, liveaboard  
24 tenants were not allowed; and

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26          WHEREAS, the lessee's operations were significantly  
27 impacted by the tsunami that hit the Hawaiian Islands on March  
28 11, 2011 when the tsunami damaged the docks that formed a  
29 substantial and necessary part of the leased premises; and



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1           WHEREAS, the lessee incurred significant economic hardship  
2 from the effects of the March 11, 2011 tsunami due to repair  
3 costs and resulting loss of revenue; and  
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5           WHEREAS, the lessee requested an extension of Lease No. H-  
6 78-5 for an additional five years; and  
7

8           WHEREAS, pursuant to Act 272, Session Laws of Hawaii 1991,  
9 the State of Hawaii, Department of Land and Natural Resources,  
10 is the agency responsible for overseeing and administering the  
11 boating and coastal areas programs; and  
12

13           WHEREAS, management of Lease No. H-78-5 was transferred  
14 from the State of Hawaii, Department of Transportation to the  
15 State of Hawaii, Department of Land and Natural Resources by  
16 operation of law, effective July 1, 1992; and  
17

18           WHEREAS, the Board of Land and Natural Resources, at its  
19 regularly scheduled June 14, 2013 meeting, agreed to the  
20 extension of Lease No. H-78-5, pursuant to sections 171-36(d)  
21 and (e), Hawaii Revised Statutes; and  
22

23           WHEREAS, the Board of Land and Natural Resources, at its  
24 regularly scheduled February 22, 2019 meeting, agreed to a one-  
25 year holdover of Lease No. H-78-5 to La Mariana Sailing Club,  
26 Inc. and declared the disposition exempt from the Environmental  
27 Assessment requirements of Chapter 343, Hawaii Revised Statutes,  
28 for having minimal or no significant impact on the environment;  
29 and  
30

31           WHEREAS, the Board of Land and Natural Resources, also at  
32 its regularly scheduled February 22, 2019 meeting, authorized  
33 the sale of Lease No. H-78-5 at public auction for a private  
34 marina, a restaurant selling both alcoholic and non-alcoholic  
35 drinks, a gift shop, boat and trailer storage, other marina-  
36 related services, and parking, and declared the disposition  
37 exempt from the Environmental Assessment requirements of Chapter  
38 343, Hawaii Revised Statutes, for having minimal or no  
39 significant impact on the environment; and  
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41           WHEREAS, section 171-53(c), Hawaii Revised Statutes,  
42 requires prior approval of the Governor and prior authorization



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1 of the Legislature by concurrent resolution for the leasing of  
2 state submerged lands; now, therefore,

3  
4 BE IT RESOLVED by the House of Representatives of the  
5 Thirtieth Legislature of the State of Hawaii, Regular Session of  
6 2019, the Senate concurring, that the Board of Land and Natural  
7 Resources is hereby authorized to hold a public auction for sale  
8 of a lease of the submerged lands at Tax Map Key: (1) 1-2-  
9 023:52, Kalihi-Kai, Honolulu, Oahu pursuant to section 171-  
10 53(c), Hawaii Revised Statutes; and

11  
12 BE IT FURTHER RESOLVED that certified copies of this  
13 Concurrent Resolution be transmitted to the Governor and the  
14 Chairperson of the Board of Land and Natural Resources.

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OFFERED BY:

*Richard King*  
*James A. ...*  
*John M. ...*  
*Dean C. ...*

*Forney H. ...*  
*Richard Cabanilla*  
*[Signature]*  
*[Signature]*  
*Amy Ponso*  
*Paul King*  
*Calvin King*  
*[Signature]*  
*[Signature]*

