
HOUSE CONCURRENT RESOLUTION

AUTHORIZING THE ISSUANCE OF A TERM, NON-EXCLUSIVE EASEMENT
COVERING A PORTION OF STATE SUBMERGED LANDS AT WAIKIKI,
HONOLULU, OAHU, FOR CONSTRUCTION, USE, REPAIR, AND
MAINTENANCE OF STEPS.

1 WHEREAS, an existing seawall fronts state submerged land
2 identified as Tax Map Key: (1)3-1-039: seaward of 065, Waikiki,
3 Honolulu, Oahu; and
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5 WHEREAS, concrete steps were previously constructed on the
6 makai side of the existing seawall on state submerged lands; and
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8 WHEREAS, the concrete steps were removed from the state
9 submerged lands in 2021; and
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11 WHEREAS, HTH DH Ventures, LLC, a Hawaii limited liability
12 company, is the owner of property identified as Tax Map Key:
13 (1)3-1-039:005, Waikiki, Honolulu, Oahu, which benefits from
14 easements across the property identified as Tax Map Key: (1)3-
15 1-039:044, Waikiki, Honolulu, Oahu, and the privately held
16 portion of the property identified as Tax Map Key: (1)3-1-
17 039:065, Waikiki, Honolulu, Oahu, including across the seawall,
18 for beach access purposes; and
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20 WHEREAS, HTH DH Ventures, LLC, requested the approval of
21 the Department of Land and Natural Resources' Office of
22 Conservation and Coastal Lands to reconstruct the concrete steps
23 on the state submerged lands in the same location, alignment,
24 configuration, and footprint as the previously existing concrete
25 steps; and
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27 WHEREAS, by letter dated May 4, 2023, the Department of
28 Land and Natural Resources' Office of Conservation and Coastal
29 Lands approved the construction of the concrete steps; and



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WHEREAS, on October 13, 2023, under agenda item D-14 of a meeting of the Board of Land and Natural Resources, the Board approved a grant of a 25-year non-exclusive easement to HTH DH Ventures, LLC, to run with the land and inure to the benefit of the abutting real property, to resolve the encroachment; and

WHEREAS, the total encroachment area was determined to be 26.5 square feet, more or less, subject to review and approval by the Department of Accounting and General Services' Survey Division; and

WHEREAS, the grantee shall pay the State the fair market value of the non-exclusive easement as consideration of the use of public lands, to be determined by an independent appraisal, subject to review and approval by the Chairperson of the Board of Land and Natural Resources; and

WHEREAS, in 2022, the National Oceanic and Atmospheric Administration issued a technical report that found that sea level rise will create a profound shift in coastal flooding over the next thirty years by causing tide and storm surge heights to increase and reach further inland; and

WHEREAS, by 2050, moderate and typically damaging coastal flooding is expected to occur on average more than ten times as often as it does today and can be intensified by local factors; and

WHEREAS, in Hawaii, sea-level rise and coastal erosion are occurring at an accelerated rate, with moderate estimates projecting the sea level to increase by six to eight inches by mid-century; and

WHEREAS, the practice of issuing easements to private landowners for state submerged lands on a case-by-case basis is not prudent as a long-term strategy when considered in relation to the public trust doctrine and in the context of planning for landscape-scale adaptation and retreat; and

WHEREAS, section 171-53, Hawaii Revised Statutes, requires 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 Representatives of the
5 Thirty-second Legislature of the State of Hawaii, Regular
6 Session of 2024, the Senate concurring, that the Board of Land
7 and Natural Resources is hereby authorized to issue a non-
8 exclusive easement, with a term not to exceed fifteen years,
9 covering a portion of state submerged lands identified as Tax
10 Map Key: (1)3-1-039: seaward of 065, Waikiki, Honolulu, Oahu,
11 for the construction, use, repair, and maintenance of concrete
12 steps pursuant to section 171-53, Hawaii Revised Statutes; and

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14 BE IT FURTHER RESOLVED that a certified copy of this
15 Concurrent Resolution be transmitted to the Chairperson of the
16 Board of Land and Natural Resources.

