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# SENATE CONCURRENT RESOLUTION

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

1           WHEREAS, portions of the existing riprap revetment, ramp,  
2 and rock groin seaward of the property identified as Tax Map  
3 Key: (1) 5-3-008:012, Hauula, Koolauloa, Oahu (subject  
4 property), were placed on state submerged lands; and  
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6           WHEREAS, the riprap revetment and rock groin were first  
7 placed along several adjacent properties, known as the Kaluanui  
8 Beach Lots, in 1947; and  
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10           WHEREAS, in October 1961, the riprap revetment wall and  
11 rock groins were repaired and improved by a contractor engaged  
12 by Bishop Estate, the then-owner of the Kaluanui Beach Lots; and  
13

14           WHEREAS, in 1983 and 1984, during the process of shoreline  
15 certification, it was discovered that the riprap revetment,  
16 ramp, and rock groin were encroachments on state submerged land  
17 and there was an attempt to resolve the encroachments with the  
18 then-owner of the abutting residential parcel, however, there is  
19 no record of any issuance of a land disposition or removal of  
20 the encroachments; and  
21

22           WHEREAS, in 2017, Steven Ernest MacBride and Valerie Jean  
23 MacBride purchased the residential subject property, which abuts  
24 the portion of state submerged land that contains the  
25 encroaching riprap revetment, ramp, and rock groin; and  
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27           WHEREAS, around November 2018, title to the residential  
28 subject property, which abuts the encroaching riprap revetment,  
29 ramp, and rock groin was conveyed to Steven Ernest MacBride and  
30 Valerie Jean MacBride, as Trustees under that certain unrecorded

1 Steven and Valerie MacBride Revocable Trust dated October 30,  
2 2018; and

3  
4 WHEREAS, the riprap revetment, ramp, and rock groin was  
5 constructed seaward of the private property record boundary  
6 without prior authorization, and a portion of the riprap  
7 revetment, ramp, and rock groin previously located on private  
8 property but is now seaward of the current shoreline on state  
9 submerged lands; and

10  
11 WHEREAS, around April 2022, the Department of Land and  
12 Natural Resources' Office of Conservation and Coastal Lands  
13 worked with Steven Ernest MacBride and Valerie Jean MacBride, as  
14 Trustees under that certain unrecorded Steven and Valerie  
15 MacBride Revocable Trust dated October 30, 2018, to resolve the  
16 encroachments; and

17  
18 WHEREAS, the Office of Conservation and Coastal Lands  
19 indicated that it supported a non-exclusive easement to resolve  
20 the encroachments; and

21  
22 WHEREAS, at its meeting of August 26, 2022, under agenda  
23 item D-5, the Board of Land and Natural Resources approved a  
24 grant of a 25-year non-exclusive easement to resolve the riprap  
25 revetment, ramp, and rock groin encroachments, and such non-  
26 exclusive easement shall run with the land and shall inure to  
27 the benefit of the abutting real property; and

28  
29 WHEREAS, the total encroachment area was determined to be  
30 2,297 square feet, more or less, as reviewed and approved by the  
31 Department of Accounting and General Services' Survey Division;  
32 and

33  
34 WHEREAS, on October 14, 2022, Steven Ernest MacBride and  
35 Valerie Jean MacBride, as Trustees under that certain unrecorded  
36 Steven and Valerie MacBride Revocable Trust dated October 30,  
37 2018, executed a removal bond in the amount of \$79,860 with  
38 SureTec Insurance Company as surety and the State of Hawaii as  
39 obligee, to insure the State against the cost of removing the  
40 encroachments in the event that the Legislature and the Governor  
41 do not approve the issuance of the easement approved by the  
42 Board of Land and Natural Resources; and

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1           WHEREAS, the Board of Land and Natural Resources executed  
2 Revocable Permit No. S-7945 on January 17, 2023, granting Steven  
3 Ernest MacBride and Valerie Jean MacBride the right to enter and  
4 occupy the subject parcel of state submerged land, subject to  
5 terms including the payment of \$306 monthly rental amount; and  
6

7           WHEREAS, the grantee shall pay the State the fair market  
8 value of the non-exclusive easement as consideration of the use  
9 of public lands, to be determined by an independent appraisal;  
10 and  
11

12           WHEREAS, section 171-53, Hawaii Revised Statutes, requires  
13 the prior approval of the Governor and prior authorization of  
14 the Legislature by concurrent resolution to lease state  
15 submerged lands; now, therefore,  
16

17           BE IT RESOLVED by the Senate of the Thirty-second  
18 Legislature of the State of Hawaii, Regular Session of 2024, the  
19 House of Representatives concurring, that the Board of Land and  
20 Natural Resources is hereby authorized to issue a term, non-  
21 exclusive easement covering a portion of state submerged lands  
22 seaward of the subject property, Hauula, Koolauloa, Oahu, for  
23 the existing riprap revetment, ramp, and rock groin, and for  
24 use, repair, and maintenance of the existing improvements  
25 constructed thereon pursuant to section 171-53, Hawaii Revised  
26 Statutes; and  
27

28           BE IT FURTHER RESOLVED that certified copies of this  
29 Concurrent Resolution be transmitted to the Chairperson of the  
30 Board of Land and Natural Resources and the Governor.  
31  
32

33  
34 OFFERED BY: 

35 BY REQUEST  
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JUSTIFICATION SHEET

DEPARTMENT: Land and Natural Resources

TITLE: CONCURRENT RESOLUTION AUTHORIZING THE ISSUANCE OF A TERM, NON-EXCLUSIVE EASEMENT COVERING A PORTION OF STATE SUBMERGED LANDS AT HAUULA, KOOLAULOA, OAHU, FOR THE EXISTING RIPRAP REVETMENT, RAMP, AND ROCK GROIN, AND FOR USE, REPAIR, AND MAINTENANCE OF THE EXISTING IMPROVEMENTS CONSTRUCTED THEREON.

PURPOSE: To seek the authorization of the Legislature by concurrent resolution for the issuance of a term, non-exclusive easement by the Board of Land and Natural Resources (Board) for the existing riprap revetment, ramp, and rock groin 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 riprap revetment, ramp, and rock groin seaward of the property identified as Tax Map Key: (1) 5-3-008:012, Hauula, Koolauloa, Oahu, were placed on state submerged lands.

In August 2022, the Board approved the grant of a 25-year easement to the property owners, Steven Ernest MacBride and Valerie Jean MacBride, as Trustees under that certain unrecorded Steven and Valerie MacBride Revocable Trust dated October 30, 2018, as grantees, for an area of 2,297 square feet including the encroaching riprap revetment, ramp, and rock groin with right, privilege, and authority to construct, use, maintain, and repair the existing seawall. Since that time, the property owners have paid a monthly rental amount of \$306.00 in exchange for the right to occupy and use the premises under a right-of-entry and revocable permit.

The property owners have agreed to pay for an appraisal of the encroachment area by an appraiser selected and contracted by the State of Hawaii to determine the value of the encroachment area and to pay a lump sum in the amount of the appraised value in exchange for a 25-year non-exclusive easement to resolve the encroachments.

The Department's Office of Conservation and Coastal Lands had no objection to the non-exclusive easement to resolve the encroachments.

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.