
HOUSE CONCURRENT RESOLUTION

AUTHORIZING THE ISSUANCE OF A TERM, NON-EXCLUSIVE EASEMENT
COVERING A PORTION OF STATE SUBMERGED LANDS AT KAPAA,
KAWAIHAU, KAUAI, FOR CONSTRUCTION OF A SANDBAG GROIN AND
FOR USE, REPAIR, AND MAINTENANCE OF THE IMPROVEMENTS
CONSTRUCTED THEREON.

1 WHEREAS, certain property is located on a portion of
2 government land located seaward of Kapaa, Kawaihau, Kauai, and
3 identified as Tax Map Key: (4) 4-3-009:seaward of 041; and
4

5 WHEREAS, a shoreline encroachment exists on the property;
6 and
7

8 WHEREAS, in 2012, removal of a seventy-foot long concrete
9 groin at the northern boundary of the site resulted in severe
10 erosion in the area; and
11

12 WHEREAS, the groin served to shelter the subject beach from
13 nearshore currents, which in turn served to slow littoral drift;
14 and
15

16 WHEREAS, removal of the groin resulted in an increase of
17 longshore littoral drift, which in turn exacerbated erosion so
18 that approximately five hundred cubic yards of sand were
19 transported away from the subject beach over a two-year period;
20 and
21

22 WHEREAS, in response to the erosion, a temporary emergency
23 erosion control structure was installed in 2017, with
24 authorization from the Department of Land and Natural Resources,
25 and in 2020, the emergency structure was repaired and
26 lengthened; and



1 WHEREAS, the emergency structure was authorized to remain
2 in place for a period of three years while a long-term solution
3 could be implemented; and

4
5 WHEREAS, the small-scale beach nourishment project was
6 approved by the Department of Land and Natural Resources on
7 June 4, 2019 (DLNR Ref: SSBN KA 19-3830); and

8
9 WHEREAS, as part of the small-scale beach nourishment
10 authorization, the emergency erosion control structure
11 (DLNR Ref: Emer. CDUA KA-17-16) was authorized to remain in
12 place until the second nourishment effort is initiated,
13 approximately three years following the initial nourishment; and

14
15 WHEREAS, the proposed long-term solution was developed by a
16 consultant to the Association of Unit Owners of Kauai Kailani
17 Condominiums, which subsequently applied for approval of the
18 installation of a temporary sandbag groin structure and
19 placement of approximately 1,140 cubic yards of beach-quality
20 sand sourced from the Waipouli Drainage Canal at Tax Map
21 Key: (4) 4-3-008:017; and

22
23 WHEREAS, the sand intended to be used for the fill is
24 compatible with the existing beach following the *Guidelines for*
25 *SSBN Cat II General Application* of the Office of Conservation
26 and Coastal Lands of the Department of Land and Natural
27 Resources; and

28
29 WHEREAS, beach nourishment is proposed to take place over
30 one preliminary nourishment, followed by several smaller
31 periodic nourishments to ensue over a ten-year period; and

32
33 WHEREAS, the Office of Conservation and Coastal Lands of
34 the Department of Land and Natural Resources recommended that
35 the Chairperson of the Board of Land and Natural Resources
36 approve the Category II Small Scale Beach Nourishment
37 application KA-19-3830 for the Kauai Kailani Groin and Sand
38 Placement Project at Kapaa, Kauai, fronting Tax Map
39 Keys: (4) 4-3-009:041 and (4) 4-3-008:017; and

40
41 WHEREAS, as a result, the evaluation criteria of the Office
42 of Conservation and Coastal Lands of the Department of Land and



1 Natural Resources supported a disposition of shoreline
2 encroachment by the issuance of an easement; and

3
4 WHEREAS, at its meeting on February 14, 2020, under agenda
5 item D-3, the Board of Land and Natural Resources approved the
6 issuance of a right-of-entry permit for the construction,
7 maintenance, and repair of a temporary emergency erosion control
8 structure to the Association of Unit Owners of Kauai Kailani;
9 and

10
11 WHEREAS, at its meeting on March 25, 2021, under agenda
12 item D-3, the Board of Land and Natural Resources rescinded its
13 prior action taken on February 14, 2020; approved the issuance
14 of a revocable permit to replace the right-of-entry permit for
15 the shoreline protection structure, beach nourishment
16 activities, and installation of the sandbag groin; approved the
17 grant of a twenty-five year non-exclusive easement to the
18 Association of Unit Owners of Kauai Kailani; and required the
19 Association to post a removal bond in the event that legislative
20 approval is not secured for the sandbag groin; and

21
22 WHEREAS, the subject area is about 1,764 square feet; and

23
24 WHEREAS, the grantee is required to pay the State the fair
25 market value of the easement, to be determined by an independent
26 appraiser, as consideration for the use of public lands; and

27
28 WHEREAS, section 171-53, Hawaii Revised Statutes, requires
29 the prior approval of the Governor and prior authorization of
30 the Legislature by concurrent resolution to lease state
31 submerged lands; now, therefore,

32
33 BE IT RESOLVED by the House of Representatives of the
34 Thirty-first Legislature of the State of Hawaii, Regular Session
35 of 2021, the Senate concurring, that the Board of Land and
36 Natural Resources is hereby authorized to issue a term, non-
37 exclusive easement covering a portion of state submerged lands
38 located at Kapaa, Kawaihau, Kauai, and identified as Tax Map
39 Key: (4) 4-3-009:seaward of 041 for construction of a sandbag
40 groin and for use, repair, and maintenance of the existing
41 improvements constructed thereon pursuant to section 171-53,
42 Hawaii Revised Statutes; and



1 BE IT FURTHER RESOLVED that certified copies of this
2 Concurrent Resolution be transmitted to the Governor and
3 Chairperson of the Board of Land and Natural Resources.

