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

5

6           WHEREAS, the removal of the seventy-foot long concrete  
7 groin at the northern boundary of the property increased  
8 longshore littoral drift, which, in turn, exacerbated erosion so  
9 that approximately five hundred cubic yards of sand were  
10 transported away from Kuhio beach over a two-year period; and

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12           WHEREAS, in response to the erosion, a temporary emergency  
13 erosion control structure (DLNR Ref: Emer. CDUA KA-17-16) was  
14 installed in 2017, with authorization from the Department of  
15 Land and Natural Resources, and was repaired and lengthened in  
16 2020; and

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18           WHEREAS, the emergency erosion control structure was  
19 authorized to remain in place for a period of three years while  
20 a long-term solution could be implemented; and

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22           WHEREAS, the Category II Small Scale Beach Nourishment  
23 application KA-19-3830 for the Kauai Kailani Groin and Sand  
24 Placement Project at Kapaa, Kauai, fronting Tax Map  
25 Keys: (4) 4-3-009:041 and (4) 4-3-008:017 was approved by the  
26 Department of Land and Natural Resources on June 4, 2019; and

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28           WHEREAS, as part of the small-scale beach nourishment  
29 authorization, the emergency erosion control structure was



1 authorized to remain in place until the second nourishment  
2 effort is initiated, approximately three years following the  
3 initial nourishment; and  
4

5 WHEREAS, the sand intended to be used for the fill is  
6 compatible with the existing beach following the *Guidelines for*  
7 *SSBN Cat II General Application* of the Office of Conservation  
8 and Coastal Lands of the Department of Land and Natural  
9 Resources; and  
10

11 WHEREAS, beach nourishment is proposed to take place over  
12 one preliminary nourishment, followed by several smaller  
13 periodic nourishments to ensue over a ten-year period; and  
14

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

22 WHEREAS, the Office of Conservation and Coastal Lands of  
23 the Department of Land and Natural Resources supported a  
24 disposition of shoreline encroachment by the issuance of an  
25 easement; and  
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27 WHEREAS, at its meeting on February 14, 2020, under agenda  
28 item D-3, the Board of Land and Natural Resources approved the  
29 issuance of a right-of-entry permit for the construction,  
30 maintenance, and repair of a temporary emergency erosion control  
31 structure to the Association of Unit Owners of Kauai Kailani;  
32 and  
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34 WHEREAS, at its meeting on March 25, 2021, under agenda  
35 item D-3, the Board of Land and Natural Resources rescinded its  
36 prior action taken on February 14, 2020; approved the issuance  
37 of a revocable permit to replace the right-of-entry permit for  
38 the shoreline protection structure, beach nourishment  
39 activities, and installation of the sandbag groin; approved the  
40 grant of a twenty-five year non-exclusive easement to the  
41 Association; and required the Association to post a removal bond  
42 in the event that legislative approval is not secured for the  
43 sandbag groin; and  
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1 WHEREAS, the March 25, 2021 board action increased the  
2 easement area to approximately 1,764 square feet, subject to the  
3 confirmation by the Department of Accounting and General  
4 Services' Land Survey Division; and

5  
6 WHEREAS, the grantee is required to pay the State the fair  
7 market value of the easement, to be determined by an independent  
8 appraiser, as consideration for the use of public lands; and

9  
10 WHEREAS, section 171-53, Hawaii Revised Statutes, requires  
11 the prior approval of the Governor and prior authorization of  
12 the Legislature by concurrent resolution to lease state  
13 submerged lands; now, therefore,

14  
15 BE IT RESOLVED by the House of Representatives of the  
16 Thirty-first Legislature of the State of Hawaii, Regular Session  
17 of 2021, the Senate concurring, that the Board of Land and  
18 Natural Resources is hereby authorized to issue a term, non-  
19 exclusive easement covering a portion of state submerged lands  
20 located at Kapaa, Kawaihau, Kauai, and identified as Tax Map  
21 Key: (4) 4-3-009: seaward of 041 for construction of a sandbag  
22 groin and for use, repair, and maintenance of the existing  
23 improvements constructed thereon pursuant to section 171-53,  
24 Hawaii Revised Statutes; and

25  
26 BE IT FURTHER RESOLVED that certified copies of this  
27 Concurrent Resolution be transmitted to the Governor and  
28 Chairperson of the Board of Land and Natural Resources.

