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# HOUSE 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  
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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  
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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,



1 ramp, and rock groin, was conveyed to Steven Ernest MacBride and  
2 Valerie Jean MacBride, as Trustees under that certain unrecorded  
3 Steven and Valerie MacBride Revocable Trust dated October 30,  
4 2018; and

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

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

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

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

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

35  
36 WHEREAS, on October 14, 2022, Steven Ernest MacBride and  
37 Valerie Jean MacBride, as Trustees under that certain unrecorded  
38 Steven and Valerie MacBride Revocable Trust dated October 30,  
39 2018, executed a removal bond in the amount of \$79,860 with  
40 SureTec Insurance Company as surety and the State of Hawaii as  
41 obligee, to insure the State against the cost of removing the  
42 encroachments in the event that the Legislature and the Governor



1 do not approve the issuance of the easement approved by the  
2 Board of Land and Natural Resources; and

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

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

14  
15 WHEREAS, in 2022, the National Oceanic and Atmospheric  
16 Administration issued a technical report that found that sea  
17 level rise will create a profound shift in coastal flooding over  
18 the next thirty years by causing tide and storm surge heights to  
19 increase and reach further inland; and

20  
21 WHEREAS, by 2050, moderate and typically damaging coastal  
22 flooding is expected to occur on average more than ten times as  
23 often as it does today and can be intensified by local factors;  
24 and

25  
26 WHEREAS, in Hawaii, sea-level rise and coastal erosion are  
27 occurring at an accelerated rate, with moderate estimates  
28 projecting the sea level to increase by six to eight inches by  
29 mid-century; and

30  
31 WHEREAS, the practice of issuing easements to private  
32 landowners for state submerged lands on a case-by-case basis is  
33 not prudent as a long-term strategy when considered in relation  
34 to the public trust doctrine and in the context of planning for  
35 landscape-scale adaptation and retreat; and

36  
37 WHEREAS, section 171-53, Hawaii Revised Statutes, requires  
38 the prior approval of the Governor and prior authorization of  
39 the Legislature by concurrent resolution to lease state  
40 submerged lands; now, therefore,



1 BE IT RESOLVED by the House of Representatives of the  
2 Thirty-second Legislature of the State of Hawaii, Regular  
3 Session of 2024, the Senate concurring, that the Board of Land  
4 and Natural Resources is hereby authorized to issue a non-  
5 exclusive easement, with a term not to exceed fifteen years,  
6 covering a portion of state submerged lands seaward of the  
7 subject property, Hauula, Koolauloa, Oahu, for the existing  
8 riprap revetment, ramp, and rock groin, and for use, repair, and  
9 maintenance of the existing improvements constructed thereon  
10 pursuant to section 171-53, Hawaii Revised Statutes; and  
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12 BE IT FURTHER RESOLVED that certified copies of this  
13 Concurrent Resolution be transmitted to the Chairperson of the  
14 Board of Land and Natural Resources and Governor.

