
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

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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

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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

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

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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

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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

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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
43 do not approve the issuance of the easement approved by the
44 Board of Land and Natural Resources; and



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WHEREAS, the Board of Land and Natural Resources executed Revocable Permit No. S-7945 on January 17, 2023, granting Steven Ernest MacBride and Valerie Jean MacBride the right to enter and occupy the subject parcel of state submerged land, subject to terms including the payment of \$306 monthly rental amount; 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; 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 the Legislature by concurrent resolution to lease state submerged lands; now, therefore,

BE IT RESOLVED by the House of Representatives of the Thirty-second Legislature of the State of Hawaii, Regular Session of 2024, the Senate concurring, that the Board of Land and Natural Resources is hereby authorized to issue a non-exclusive easement, with a term not to exceed twenty-five years,



1 covering a portion of state submerged lands seaward of the
2 subject property, Hauula, Koolauloa, Oahu, for the existing
3 riprap revetment, ramp, and rock groin, and for use, repair, and
4 maintenance of the existing improvements constructed thereon
5 pursuant to section 171-53, Hawaii Revised Statutes; and

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7 BE IT FURTHER RESOLVED that certified copies of this
8 Concurrent Resolution be transmitted to the Chairperson of the
9 Board of Land and Natural Resources and Governor.

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