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# HOUSE CONCURRENT RESOLUTION

AUTHORIZING THE ISSUANCE OF A TERM, NON-EXCLUSIVE EASEMENT  
COVERING A PORTION OF STATE SUBMERGED LANDS AT WAIKIKI,  
HONOLULU, OAHU, FOR CONSTRUCTION, USE, REPAIR, AND  
MAINTENANCE OF STEPS.

1 WHEREAS, an existing seawall fronts state submerged land  
2 identified as Tax Map Key: (1)3-1-039: seaward of 065, Waikiki,  
3 Honolulu, Oahu; and  
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5 WHEREAS, concrete steps were previously constructed on the  
6 makai side of the existing seawall on state submerged lands; and  
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8 WHEREAS, the concrete steps were removed from the state  
9 submerged lands in 2021; and  
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11 WHEREAS, HTH DH Ventures, LLC, a Hawaii limited liability  
12 company, is the owner of property identified as Tax Map Key:  
13 (1)3-1-039:005, Waikiki, Honolulu, Oahu, which benefits from  
14 easements across the property identified as Tax Map Key: (1)3-  
15 1-039:044, Waikiki, Honolulu, Oahu, and the privately held  
16 portion of the property identified as Tax Map Key: (1)3-1-  
17 039:065, Waikiki, Honolulu, Oahu, including across the seawall,  
18 for beach access purposes; and  
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20 WHEREAS, HTH DH Ventures, LLC, requested the approval of  
21 the Department of Land and Natural Resources' Office of  
22 Conservation and Coastal Lands to reconstruct the concrete steps  
23 on the state submerged lands in the same location, alignment,  
24 configuration, and footprint as the previously existing concrete  
25 steps; and  
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27 WHEREAS, by letter dated May 4, 2023, the Department of  
28 Land and Natural Resources' Office of Conservation and Coastal  
29 Lands approved the construction of the concrete steps; and  
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1 WHEREAS, on October 13, 2023, under agenda item D-14 of a  
2 meeting of the Board of Land and Natural Resources, the Board  
3 approved a grant of a 25-year non-exclusive easement to HTH DH  
4 Ventures, LLC, to run with the land and inure to the benefit of  
5 the abutting real property, to resolve the encroachment; and  
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7 WHEREAS, the total encroachment area was determined to be  
8 26.5 square feet, more or less, subject to review and approval  
9 by the Department of Accounting and General Services' Survey  
10 Division; and  
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12 WHEREAS, the grantee shall pay the State the fair market  
13 value of the non-exclusive easement as consideration of the use  
14 of public lands, to be determined by an independent appraisal,  
15 subject to review and approval by the Chairperson of the Board  
16 of Land and Natural Resources; and  
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18 WHEREAS, in 2022, the National Oceanic and Atmospheric  
19 Administration issued a technical report that found that sea  
20 level rise will create a profound shift in coastal flooding over  
21 the next thirty years by causing tide and storm surge heights to  
22 increase and reach further inland; and  
23

24 WHEREAS, by 2050, moderate and typically damaging coastal  
25 flooding is expected to occur on average more than ten times as  
26 often as it does today and can be intensified by local factors;  
27 and  
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29 WHEREAS, in Hawaii, sea-level rise and coastal erosion are  
30 occurring at an accelerated rate, with moderate estimates  
31 projecting the sea level to increase by six to eight inches by  
32 mid-century; and  
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34 WHEREAS, the practice of issuing easements to private  
35 landowners for state submerged lands on a case-by-case basis is  
36 not prudent as a long-term strategy when considered in relation  
37 to the public trust doctrine and in the context of planning for  
38 landscape-scale adaptation and retreat; and  
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40 WHEREAS, section 171-53, Hawaii Revised Statutes, requires  
41 the prior approval of the Governor and prior authorization of  
42 the Legislature by concurrent resolution to lease state  
43 submerged lands; now, therefore,  
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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 twenty-five years,  
6 covering a portion of state submerged lands identified as Tax  
7 Map Key: (1)3-1-039: seaward of 065, Waikiki, Honolulu, Oahu,  
8 for the construction, use, repair, and maintenance of concrete  
9 steps pursuant to section 171-53, Hawaii Revised Statutes; and

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11 BE IT FURTHER RESOLVED that certified copies of this  
12 Concurrent Resolution be transmitted to the Chairperson of the  
13 Board of Land and Natural Resources and Governor.

