

JAN 23 2025

SENATE CONCURRENT RESOLUTION

AUTHORIZING THE ISSUANCE OF A TWENTY-FIVE-YEAR TERM, NON-EXCLUSIVE EASEMENT COVERING A PORTION OF STATE SUBMERGED LANDS AT EWA BEACH, EWA, OAHU, FOR A SEAWALL, AND FOR USE, REPAIR, AND MAINTENANCE OF THE IMPROVEMENTS CONSTRUCTED THEREON.

1 WHEREAS, the existing seawall seaward of the property
2 identified as Tax Map Key: (1) 9-1-024:027, Ewa Beach, Ewa,
3 Oahu, is situated on state submerged land; and
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5 WHEREAS, in 2022, Poni LLC, a domestic limited liability
6 company, purchased the residential real property identified as
7 Tax Map Key: (1) 9-1-024:027, which abuts the portion of state
8 submerged land containing the seawall; and
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10 WHEREAS, in 1966, when the seawall was constructed in
11 compliance with a City and County of Honolulu building permit,
12 it was located mauka of the shoreline within the boundaries of
13 the private residential property identified as Tax Map Key: (1)
14 9-1-024:027 and was likely intended to serve as a landscaping
15 element or boundary marker; and
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17 WHEREAS, due to mauka shoreline migration over the past
18 forty years, the seawall is now located within state submerged
19 lands and constitutes an encroachment onto state submerged
20 lands; and
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22 WHEREAS, the Office of Conservation and Coastal Lands has
23 no objection to a non-exclusive easement to resolve the
24 encroachment; and
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26 WHEREAS, the total encroachment area was determined to be
27 one-hundred sixty-five square feet, subject to review and
28 approval by the Department of Accounting and General Services'
29 Survey Division; and

JUSTIFICATION SHEET

DEPARTMENT: Land and Natural Resources

TITLE: AUTHORIZING THE ISSUANCE OF A TWENTY-FIVE YEAR TERM, NON-EXCLUSIVE EASEMENT COVERING A PORTION OF STATE SUBMERGED LANDS AT EWA BEACH, EWA, OAHU, FOR A SEAWALL, AND FOR USE, REPAIR, AND MAINTENANCE OF THE IMPROVEMENTS CONSTRUCTED THEREON.

PURPOSE: To seek the authorization of the Legislature by concurrent resolution for the issuance of a term, non-exclusive easement by the Board of Land and Natural Resources (Board) for a seawall and for use, repair, and maintenance of the existing improvements constructed thereon.

MEANS: Concurrent resolution pursuant to section 171-53(c), Hawaii Revised Statutes (HRS).

JUSTIFICATION: The seawall located seaward of the property identified as Tax Map Key: (1) 9-1-024:027, Ewa Beach, Ewa, Oahu, was constructed in 1966 in compliance with a City and County of Honolulu building permit. At the time it was built, the seawall was located mauka of the shoreline within the boundaries of the private, residential property and was likely intended to be serve as a landscaping feature or boundary marker. Now, due to forty years of shoreline migration mauka, the seawall constitutes an encroachment on state submerged lands.

In May 2024, the Board approved the grant of a twenty-five-year term, non-exclusive easement to the abutting landowner, Poni LLC, as grantee, for an area of one-hundred sixty-five square feet including a seawall with right, privilege, and authority to construct, use, maintain, and repair the seawall. As of August 2024, execution of permits for the right to occupy and use the premises and obligation to pay \$42 monthly

rent is pending certification of the shoreline.

Poni LLC has agreed to pay for an appraisal of the encroachment area by an appraiser selected and contracted by the State of Hawaii to determine the value of the encroachment area and to pay a lump sum in the amount of the appraised value in exchange for a twenty-five-year term, non-exclusive easement to resolve the encroachment.

The Department's Office of Conservation and Coastal Lands has no objection to the non-exclusive easement to resolve the encroachment.

Section 171-53(c), HRS, requires the prior approval of the Governor and prior authorization of the Legislature by concurrent resolution to lease state submerged lands. As such, this concurrent resolution has been prepared in compliance with the requirements of section 171-53(c), HRS.

Impact on the public: None.

Impact on the department and other agencies: None.

GENERAL FUND:	None.
OTHER FUNDS:	None.
PPBS PROGRAM DESIGNATION:	LNR 101
OTHER AFFECTED AGENCIES:	None.
EFFECTIVE DATE:	Upon adoption.