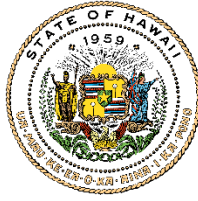


JOSH GREEN, M.D.
GOVERNOR | KE KIA'ĀINA

SYLVIA LUKE
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



**STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAI'I
DEPARTMENT OF LAND AND NATURAL RESOURCES
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FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

**Testimony of
DAWN N.S. CHANG
Chairperson**

**Before the House Committee on
WATER & LAND**

**Thursday, April 10, 2025
9:30 AM**

State Capitol, Conference Room 411, Via Videoconference

**In consideration of
SENATE CONCURRENT RESOLUTION 5, SENATE DRAFT 1
AUTHORIZING THE ISSUANCE OF A TWENTY-FIVE YEAR TERM,
NON-EXCLUSIVE EASEMENT COVERING A PORTION OF STATE
SUBMERGED LANDS AT WAIKIKI, HONOLULU, OAHU, FOR CONCRETE
STAIRS, AND FOR USE, REPAIR, AND MAINTENANCE OF THE
IMPROVEMENTS CONSTRUCTED THEREON.**

Senate Concurrent Resolution 5, Senate Draft 1 is an Administration measure that requests Legislative approval for a term, non-exclusive easement covering approximately 26.5 square feet of State submerged lands located seaward of the property identified as Tax Map Key: (1) 3-1-039:065, at Waikīkī, O'ahu, for the reconstruction of concrete steps leading from an existing seawall to the beach fronting the site. **The Department of Land and Natural Resources (Department) supports this Concurrent Resolution.**

The structure permitted by this measure is a set of concrete steps that will be constructed to replace a now-removed set of steps leading from private property owned by HTH DH Ventures to Cromwell's Beach, near Diamond Head. The previously-existing steps were removed because of their deteriorated condition. The new construction will consist of a direct replacement with the same location, alignment, configuration, and footprint as the previously-existing steps. The seawall to which the steps are attached is located entirely within the boundaries of the private property that abuts the State land and is not, in itself, an encroachment. The seawall and original steps have been in place since before Statehood and the location containing the steps is subject to an access easement originally established by order of the Territorial Land Court, pursuant to Land Court Application 664, on April 17, 1957, and was recorded on the Land Court's Certificate of

Title 58089. The new construction will result in no increase to area of the previously-existing, authorized encroachment.

The Office of Conservation and Coastal Lands (OCCL) issued Site Plan Approval (SPA) OA-23-53 for reconstruction of the concrete steps on May 4, 2023, and has issued extensions of the SPA since that time to account for the time needed to gain the Legislature's approval of the easement, which is required before construction may commence. OCCL found that reconstruction of the steps is considered an identified land use within the Conservation District Resource Subzone pursuant to Section 13-5-22, Hawaii Administrative Rules (HAR). OCCL further found that the proposed project is minor in scope and, in accordance with Section 11-200.1-15, HAR, and the Exemption List for the Department reviewed and concurred on by the Environmental Council on November 10, 2020, is exempt from the preparation of an Environmental Assessment. Finally, OCCL found that there are no known historic resources at the site, the proposed reconstruction would not interfere with public beach access, and all work will be performed with no additional ground disturbance makai of the shoreline.

The Board approved issuance of this easement at its meeting on October 13, 2023, under Agenda Item D-14. At the request of HTH DH Ventures, the Board did not authorize any interim disposition pending Legislative and Gubernatorial approval of the easement. Therefore, no construction has yet commenced and no structure is currently present at the relevant site. If the Legislature and the Governor do approve the requested easement, the property owners will pay for an appraisal of the fair market value of the easement, purchase the easement for the appraised fair market price, and provide liability insurance for the easement area.

Mahalo for the opportunity to testify in support of this measure.

April 8, 2025

Representative Mark J. Hashem, Chair,
Representative Rachele F. Lamosao, Vice Chair,
and Members of the Committee on Water & Land

Hearing: Committee on Water & Land
Date: Thursday, April 10, 2025
Time: 9:30 AM
Place: Via Videoconference
Conference Room 411
State Capitol

Testimony in Support of Senate Concurrent Resolution 5, SD1 (“**SCR 5, SD1**”)
Authorizing the Issuance of a Twenty-Five Year Term,
Non-Exclusive Easement Covering a Portion of
State Submerged Lands at Waikiki, Honolulu, Oahu,
For Concrete Stairs, and For Use, Repair, and
Maintenance of the Improvements Constructed Thereon

Aloha Chair Hashem, Vice Chair Lamosao
and Members of the Committee on Water & Land:

I write on behalf of our client, HTH DH Ventures, LLC (“**HTH**”), in support of SCR 5, SD1. SCR 5, SD1 included in the Department of Land and Natural Resources (DLNR) 2025 legislative package, which seeks approval for the issuance of a 25-year term, non-exclusive easement covering a portion of State submerged lands at Waikiki, Oahu, for the reconstruction of concrete stairs from an existing seawall to the beach below.

An existing seawall located on the property identified as TMK (1) 3-1-039:065, Waikiki, Honolulu, Oahu, abuts the state submerged lands. The seawall previously included concrete steps on its maki side, which were situated on the state submerged lands. The concrete steps were removed in 2021. The Office of Conservation and Coastal Lands has no objection to a non-exclusive easement to allow for replacement of the removed concrete steps on state submerged lands. The total area of the replacement steps was determined to be approximately 26.5 square feet.

The reconstructed concrete steps will directly replace the previously existing deteriorated steps leading from the property owned by HTH to the beach below. The reconstructed concrete steps will be in the same location and have the same configuration as the previously existing steps. The reconstructed steps will not exceed the size, height, or density of the previously existing steps as they existed on October 1, 1964.

Representative Mark J. Hashem, Chair,
Representative Rachele F. Lamosao, Vice Chair,
and Members of the Committee on Water & Land
April 8, 2025
Page 2

HTH has not yet constructed the replacement steps on the state submerged lands and has not agreed to do so until the non-exclusive easement approved by the Board of Land and Natural Resources receives the prior approval of the Governor and prior authorization of the Legislature. The non-exclusive easement will ensure compliance with applicable State land use regulations and provide a safe and environmentally responsible means of shoreline access.

Thank you for considering my testimony.

Mahalo Nui,



Ivan M. Lui-Kwan