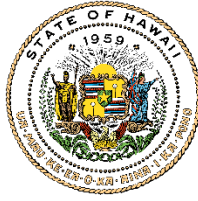


JOSH GREEN, M.D.
GOVERNOR | KE KIA'ĀINA

SYLVIA LUKE
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



**STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAI'
DEPARTMENT OF LAND AND NATURAL RESOURCES
KA 'OIHANA KUMUWAIWAI 'ĀINA**

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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 6
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.**

Senate Concurrent Resolution 6 is an Administration measure that requests Legislative approval for a twenty-five-year term, non-exclusive easement covering approximately one-hundred-sixty-five square feet of State submerged lands located seaward of the property identified as Tax Map Key: (1) 9-1-024:027, at Ewa Beach, Ewa, Oahu, for a portion of the seawall at the site. **The Department of Land and Natural Resources (Department) supports this Concurrent Resolution.**

The structure subject to this measure consists of makai-side portions of a seawall located on State shoreline lands. The seawall was originally constructed in approximately 1966 in compliance with a building permit issued by the City and County of Honolulu and was determined by the Office of Conservation and Coastal Lands to be a non-conforming structure. At the time the seawall was constructed, it was located wholly within the boundaries of the private residential property and was likely intended as a retaining wall or an enclosure of the private backyard. However, due to sea level rise and erosion over time, the shoreline has migrated mauka and the makai face of the seawall has become undermined.

The shoreline for the private property was certified in 2024 and the encroachment onto State shoreline land was discovered at that time. At its meeting on May 24, 2024, under Agenda Item D-7, the Board of Land and Natural Resources (Board) approved the issuance of a non-exclusive easement to resolve the encroachment. The terms of the easement disposition approved by the Board include payment of monthly rent, provision of liability insurance, and, upon approval of the Legislature and the Governor, payment of the appraised value of the twenty-five-year, non-exclusive easement.

The Office of Conservation and Coastal Lands determined that the removal of the seawall may improve beach conditions at the site. However, since the property at issue is surrounded by similar single-family residential properties that also contain similar seawalls, any improvement would be limited to the immediate location and removal would also cause flanking erosion and damage to the surrounding residential properties. There is a public beach access point approximately fifty feet from the subject property and the Office of Conservation and Coastal Lands found that the presence of the seawall does not impede lateral access to the beach and shoreline.

Pursuant to the Board's approval, the property owners are paying monthly rent in the amount of \$42.00 for the proposed easement area and are providing liability insurance. The property owners have also posted a removal bond in the amount of \$93,836.00 to insure the State against the cost of removing the encroachment in the event that the Legislature and the Governor do not approve the issuance of the requested easement. If the Legislature and the Governor approve the requested easement, the property owners will pay for an appraisal of the fair market value of the easement and then purchase the easement for the appraised fair market price.

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