



**STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES**

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**Testimony of  
WILLIAM J. AILA, JR.  
Chairperson**

**Before the House Committee on  
WATER, LAND AND OCEAN RESOURCES**

**Friday, April 01, 2011  
10:30 AM  
State Capitol, Conference Room 325**

**In consideration of  
HOUSE CONCURRENT RESOLUTION 85/HOUSE RESOLUTION 78  
URGING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO  
REGISTER THE ACCRETED LANDS ALONG THE WAIPIO PENINSULA  
SHORELINE IN WAIPAHU AS STATE PROPERTY FOR PROSPECTIVE USE AS A  
STATE PARK**

House Concurrent Resolution 85/House Resolution 78 urges the Department of Land and Natural Resources (Department) to register accreted lands in Waipahu along the Waipio Peninsula shoreline for prospective use as a State Park in the future. While the Department appreciates the intent to provide public outdoor recreation opportunities, we are unable to support these resolutions due to significant cost implications.

The process to register accreted land and any subsequent clean-up and management require funding and staffing which the Department cannot provide. Under Act 73, Session Laws of Hawaii 2003, the State may assume ownership of accreted lands, but to do so, must file a quiet title action and prove that the accretion is natural and permanent. This would place a significant financial burden on the Department. At the very least, the Department would have to expend its already severely limited funds on a ground surveys to determine the extent of any possible accretion, as well as dedicate personnel resources to establish its natural and permanent state and pursuing the quiet title claim. Furthermore, upon claiming title to any accreted lands, the Department would then incur additional significant costs from initial clean-up actions and ongoing management responsibilities.

The Department continues to face severe budget cutbacks. The Department's general fund appropriations and special fund revenues have dropped significantly over the last several years, and the Department lost more than 10% of its positions over the past three years. These resolutions impose duties that would require a substantial amount of staff time and funding. The

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**WILLIAM M. TAM**  
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES  
BOATING AND OCEAN RECREATION  
BUREAU OF CONVEYANCES  
COMMISSION ON WATER RESOURCE MANAGEMENT  
CONSERVATION AND COASTAL LANDS  
CONSERVATION AND RESOURCES ENFORCEMENT  
ENGINEERING  
FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

Department simply does not have the resources and staffing necessary to undertake the additional duties that would be required under these resolutions.

Finally, the Department has concerns regarding the legality of these resolutions. An accretion claim must be pursued by a quiet title action. The Legislature may not have the appropriate authority to make a determination regarding the validity of an accretion claim, as these resolutions seems to do.