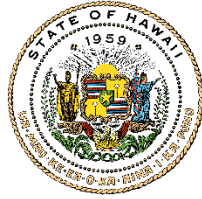


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FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

Testimony of
DAWN N. S. CHANG
Chairperson

Before the Senate Committee on
WATER AND LAND

Wednesday, March 29, 2023
1:00 PM

State Capitol, Conference Room 229 & Videoconference

In consideration of
SENATE CONCURRENT RESOLUTION 26/SENATE RESOLUTION 22
AUTHORIZING THE ISSUANCE OF A TERM, NON-EXCLUSIVE EASEMENT
COVERING A PORTION OF STATE SUBMERGED LANDS AT HAULA,
KOOLAULO, OAHU, FOR THE EXISTING RIPRAP REVETMENT, RAMP,
AND ROCK GROIN, AND FOR USE, REPAIR, AND MAINTENANCE OF THE
EXISTING IMPROVEMENTS CONSTRUCTED THEREON.

Senate Concurrent Resolution (SCR) 26/Senate Resolution (SR) 22 request authorization to issue a term, non-exclusive easement covering a 1,900 square foot, more or less, portion of state submerged lands fronting the property identified as Tax Map Key: (1) 5-3-008: seaward of 012, at Hauula, Koolaupoko, Oahu for the existing riprap revetment, ramp, and rock groin, and for the use, repair, and maintenance of the existing improvements constructed thereon. **The Department of Land and Natural Resources (Department) supports this concurrent resolution.**¹

According to historical maps, the riprap revetment on the subject property was originally placed in 1947, while the property was under ownership of Bishop Estate. In 1961, the revetment wall and groins were repaired and improved by a contractor engaged by Bishop Estates. Subsequent shoreline certifications conducted in 1983 and 1985 delineated the shoreline mauka of the revetment, thus placing it within the Coastal Management Zone and on State lands due to natural shoreline erosion processes.

The applicants, Steven Ernest MacBride and Valerie Jean MacBride, trustees of the Steven and Valerie McBride Revocable Trust dated October 30, 2018, purchased the private property that abuts the subject shoreline encroachments in 2017 and began the process of resolving the encroachments with the Department through a land disposition. The Board of Land and Natural Resources (Board) approved the

¹ Please note: SCR26/ SR22 are not Administration measures.

easement at its meeting on August 26, 2022, under agenda item D-5. If the Legislature approves the easement, the next steps would be to survey the final easement area and appraise the fair market value of the term, non-exclusive easement, which the current owners shall be required to pay to the State as consideration for use of public lands.²

The Department's Office of Conservation and Coastal Lands (OCCL) has supported and continues to support the disposition of the subject land by easement in order to resolve the encroachment. The encroachment sits on a sandy beach where its top surface is fully exposed during low tide and partially submerged during high tide. The rock groin is used by members of the public, including children, for fishing and exploration of marine life with goggles, glass boxes, and small scoop nets. In its submission to the Board in the easement application process, OCCL found that allowing the encroachment to remain in place may mitigate the effects of expected sea level rise in the area. Further, OCCL found that removal of the encroachment may lead to further erosion of both the subject property and neighboring properties, may cause landscaping and sediment material to leach into marine waters, and would affect the marine life such as rock crabs, coral, small fish and eels, sea urchins, and sea cucumbers that have colonized the rock revetment and groin.

Mahalo for the opportunity to testify in support these measures.

² Please note: The shoreline for the subject property was recently certified in March, 2023. The subject encroachment extends seaward beyond the lateral boundaries of the abutting property. Therefore, the total encroachment area is larger than the area surveyed and identified in the shoreline certification process, which considers only the area within property boundaries. The applicants are now required to obtain a survey of the entire easement area so that the Department is able to calculate an accurate rental amount for the entirety of the encroachment.