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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 228/SENATE RESOLUTION 166  
AUTHORIZING THE ISSUANCE OF A TERM, NON-EXCLUSIVE EASEMENT  
COVERING A PORTION OF STATE SUBMERGED LANDS AT MAALAEA BEACH  
LOTS, WAIKAPU, WAILUKU, MAUI, FOR THE EXISTING SEAWALL AND ROCK  
REVTMENT, AND FOR USE, MAINTENANCE, REPAIR, REPLACEMENT,  
AND REMOVAL OF THE EXISTING IMPROVEMENTS CONSTRUCTED THEREON.**

Senate Concurrent Resolution (SCR) 228/Senate Resolution (SR) 116 request authorization to issue a term, non-exclusive easement covering a portion of state submerged lands fronting the property identified as Tax Map Key: (2) 3-8-014: seaward of 022, at Maalaea Beach Lots, Waikapu, Wailuku, Maui for the existing seawall and rock revetment, and for the use, repair, and maintenance of the existing improvements constructed thereon. **The Department of Land and Natural Resources (Department) supports these resolutions.**<sup>1</sup>

The encroachment at issue consists of a seawall and rock revetment that runs parallel along the shoreline for approximately 180 feet and ranges in height from 4 to 6 feet. It surrounds the makai side of the Milowai-Maalaea condominium property, owned by the Association of Apartment Owners of Milowai-Maalaea. The subject property owners have pursued a disposition with the Board of Land and Natural Resources (Board) for this encroachment for purposes of repairing the seawall in 2015 and 2021. The Board approved disposition of an easement for the subject encroachment at both meetings. Aside from legislative approval, additional requirements would be to complete the survey of the easement area and appraise the current 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. In the interim, the Board also approved a month-to-month revocable permit requiring rent.

<sup>1</sup> The Department notes that SCR228/SR166 are not administration measures.

As part of the Board's consideration of each disposition at respective meetings on October 9, 2015 (agenda item D-6) and January 8, 2021 (agenda item D-5), the Board required the property owners to submit an Environmental Assessment (EA), which each resulted in findings of no significant impact (FONSI). Through the EA process, it was determined that the seawall at issue was built in the early 1950s, around the same time that the territorial government built the nearby small boat harbor and harbor break walls. The EA stated that there is no significant sandy beach in the immediate area of the subject encroachment and the majority of the shoreline is hardened by a continuous series of seawalls and rock revetments. The EA also found that removal of the seawall would cause erosion that could ultimately threaten the Milowai-Maalaea Condominium building and underground parking garage, impact neighboring properties, cause instability and potential failure of neighboring seawalls, and threaten water quality due to erosion of clay sediment. The Department of Health Clean Water Branch had no objection to the 2020 permit amendment. The Department's Office of Conservation and Coastal Lands had no objections to the issuance of an easement in both 2015 and 2021.

Mahalo for the opportunity to testify in support of these measures.