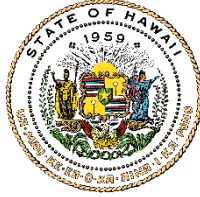


JOSH GREEN, M.D.
GOVERNOR | KE KIA'ĀINA

SYLVIA LUKE
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



STATE OF HAWAII | KA MOKUAĀINA 'Ō HAWAII'
DEPARTMENT OF LAND AND NATURAL RESOURCES
KA 'OIHANA KUMUWAIWAI 'ĀINA

P.O. BOX 621
HONOLULU, HAWAII 96809

DAWN N.S. CHANG
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE
MANAGEMENT

RYAN K.P. KANAKA'OLE
FIRST DEPUTY

DEAN D. UYENO
ACTING 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

Testimony of
DAWN N. S. CHANG
Chairperson

Before the House Committees on
WATER & LAND
and
HIGHER EDUCATION & TECHNOLOGY

Wednesday, January 31, 2024
2:00 p.m.

State Capitol, Conference Room 309 & Videoconference

In consideration of
HOUSE BILL 2248
RELATING TO BEACH MANAGEMENT ON THE NORTH SHORE OF OAHU

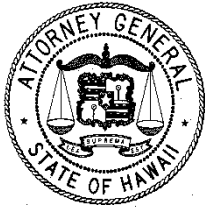
House Bill 2248 proposes to appropriate funds to the University of Hawai'i Sea Grant College Program to develop a beach management plan for the North Shore of O'ahu from Sunset Point to the Kapo'ono (Sharks Cove) area. **The Department of Land and Natural Resources (Department) supports the bill and offers the following comments.**

The Department supports proactive adaptation planning for the impacts of coastal erosion and sea level rise. The development of a dune and beach management plan follows up on the 2022 findings of the North Shore Coastal Resilience Working Group, which was comprised of beach advocates, community members, government officials, and representatives of the University of Hawai'i.

A beach management plan for O'ahu's North Shore presents the opportunity to focus on the ecological health of an iconic beach, and on the preservation of the State's public trust resources by addressing the inevitability of beach migration. The Department appreciates that the management plan will outline concrete adaptation and implementation strategies, and believes that the University of Hawai'i Sea Grant College Program possesses the requisite understanding of both beach processes and of human activity in the area to develop an effective plan.

The Department hopes that a successful plan can provide a template for other communities in Hawai'i that are facing the effects of coastal erosion and sea level rise.

Mahalo for the opportunity to provide testimony in support of this bill.



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
KA 'OIHANA O KA LOIO KUHINA
THIRTY-SECOND LEGISLATURE, 2024**

ON THE FOLLOWING MEASURE:

H.B. NO. 2248, RELATING TO BEACH MANAGEMENT ON THE NORTH SHORE OF OAHU.

BEFORE THE:

HOUSE COMMITTEES ON WATER AND LAND AND ON
HIGHER EDUCATION AND TECHNOLOGY

DATE: Wednesday, January 31, 2024 **TIME:** 2:00 p.m.

LOCATION: State Capitol, Room 309 and Videoconference

TESTIFIER(S): Anne E. Lopez, Attorney General, or
Candace J. Park, Deputy Attorney General

Chairs Ichiyama and Perruso and Members of the Committees:

The Department of the Attorney General provides the following comments.

This bill: (1) requires the University of Hawai'i Sea Grant College to establish and report on a comprehensive, actionable beach management plan for the area of the North Shore of Oahu from Sunset Point to Kapo'o (Sharks Cove); and (2) makes an appropriation for purposes of the Act.

Article X, section 6, of the Hawai'i Constitution gives the Board of Regents of the University of Hawai'i "exclusive jurisdiction over the internal structure, management, and operation of the university." Section 6 further provides: "This section shall not limit the power of the legislature to enact laws of statewide concern. The legislature shall have the exclusive jurisdiction to identify laws of statewide concern." If the Committee decides to pass this bill, we recommend an amendment that adds a statement identifying this bill as a law of statewide concern.

Thank you for the opportunity to provide these comments.



‘ŌNAEHANA KULANUI O HAWAI‘I

Legislative Testimony

Hō'ike Mana'o I Mua O Ka 'Aha'ōlelo

Testimony Presented Before the
House Committee on Water & Land
House Committee on Higher Education & Technology
Wednesday, January 31, 2024 at 2:00 p.m.

By

Charles "Chip" Fletcher, PhD

Interim Dean

School of Ocean and Earth Science and Technology

And

Darren Lerner, PhD

Director, Sea Grant College Program

Name, Dean or Director

And

Michael Bruno, PhD

Provost

University of Hawai'i at Mānoa

HB 2248 – RELATING TO BEACH MANAGEMENT ON THE NORTH SHORE OF OAHU

Chairs Ichiyama and Perruso, Vice Chairs Poepoe and Kapela, and members of the committees:

The University of Hawai'i Sea Grant College Program (Hawai'i Sea Grant) and the Climate Resilience Collaborative (CRC) support House Bill 2248, which appropriates funds to the University of Hawai'i Sea Grant College Program to develop a north shore beach management plan for the north shore of O'ahu from Sunset point to the Kapo'o (Sharks Cove) area.

Hawai'i Sea Grant has developed similar beach and dune management plans for Maui County, Kailua Beach Park and the Hawai'i Dune Restoration Manual as recent examples of similar work.

A common element of coastal management planning involves the evaluation and assessment of climate adaptation pathways, triggers and implementation strategies. This is an important component of any coastal planning effort and a consideration for this bill as it would serve to provide professional merit as a comprehensive climate adaptation plan rather than just a beach management plan. This expanded focus could be referenced as a climate adaptation plan in addition to beach management throughout the bill.

The measure, if passed, can serve as an adaptation planning and community engagement model for other coastal communities struggling with coastal hazards and sea level rise and can facilitate improved community-focused coastal planning statewide.

CRC is a multi-investigator research project at the University of Hawai'i at Mānoa focused on sea level rise adaptation and climate resilience. CRC is updating coastal models that project the impacts of sea level rise.

Hawai'i Sea Grant's mission is to provide integrated research, extension, and education activities that increase understanding and use of ocean and coastal resources of the Hawaiian and Pacific Islands and support the informed personal, policy, and management decisions that are integral to realizing this vision. Hawai'i Sea Grant is part of a national network of 34 university-based programs associated with the National Oceanic and Atmospheric Administration that promote better understanding, conservation, and use of coastal resources.

CRC and Hawai'i Sea Grant would be happy to provide updated sea level rise data and projections to the Committee or any lawmaker upon request.

CRC and Hawai'i Sea Grant support House Bill 2248, provided its adoption does not replace or adversely impact priorities as indicated in our Board of Regents Approved Budget. Thank you for the opportunity to testify on this measure.

Wednesday, January 31, 2024, 2:00 P.M.

State of Hawai'i

House Committees on Water & Land, and Higher Education & Technology
State Capitol, Conference Room 309

**TESTIMONY OF BERNIE BAYS IN SUPPORT OF HOUSE BILL 2248,
RELATING TO BEACH MANAGEMENT ON THE NORTH SHORE OF OAHU**

Dear Chairs Ichiyama and Perruso, Vice Chairs Poepoe and Kapela, and Committee Members:

I represent the Shoreline Preservation Coalition and my firm is also legal counsel for several clients who own homes on the stretch of beach between Sunset Point and Sharks Cove. I have been a practicing real estate, land use, and zoning law attorney in Hawaii for more than 50 years. I offer this testimony in **strong support** of House Bill 2248.

We need a comprehensive and actionable beach management plan for this iconic stretch of beach. Each year we see the impacts of coastal erosion on this important beach. However, we have not been able to develop and implement an effective beach management plan. The current situation is unworkable—at times the public is not able to enjoy the beach; and property owners are left to develop their own ineffective and undesirable fixes in order to save their homes.

A broad, diverse consensus among various stakeholders are in support of this Bill. Solutions cannot be effectively developed parcel by parcel. A comprehensive plan needs to be developed to preserve this beautiful beach that is enjoyed by both locals and tourists.

HB2238 will develop that comprehensive plan and will carry forward the work of the North Shore Coastal Resilience Working Group. The Working Group's "Adaptive Coastal Management Recommendations, Actions and Strategies" Report, released in October 2022, identified several "critical concerns," including:

- Absence of a comprehensive coastal erosion strategy and long-term vision for the North Shore;
- Damaged and limited public beach access due to erosion, beach loss, and inappropriate response measures;
- Lack of options and transparent, publicly-shared guidelines for homeowners impacted by shoreline erosion; and
- Lack of a cohesive policy framework and financing mechanisms for managed retreat.

The Report noted that "Working Group members overwhelmingly agreed on the importance of identifying adaptation options, including exploring short-term solutions like sand

management and dune restoration,” and recommended that elected and agency officials develop a beach management plan. This Bill provides for the development of such a beach management plan.

Thank you for the opportunity to provide testimony in strong support of HB2248.

Respectfully submitted,

A handwritten signature in black ink that reads "Bernie Bays". The signature is written in a cursive, flowing style with a large initial "B".

Bernie Bays

HB-2248

Submitted on: 1/30/2024 1:59:32 PM

Testimony for WAL on 1/31/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
arleen velasco	Surfrider Foundation - I am the chair of the Oahu Chapter	Support	Written Testimony Only

Comments:

Please pass HB2248. It is imperative that immediate action be taken to address the danger of more damage being done to the north shore coast. Sea level rise, tourism, shoreline hardening and more intense storms bringing stronger and bigger waves are taking their toll on the beaches, parks and homes along this beautiful stretch of Oahu coastline. We must take action now to protect the shoreline and coastal reefs. We should not allow another home to be swept away in the next big storm. Homes that are swept away will contain toxic material, fecal pollution from cesspools and debris that will create huge problems for reefs, endangered monk seals and may have many other ramifications. Taking action now will save the government money. Remain proactive and pass HB2248.



Testimony Presented Before the House Committees on

WATER & LAND
And
HIGHER EDUCATION & TECHNOLOGY

Wednesday, January 31, 2024, 2:00 PM

In consideration of

HOUSE BILL 2248
RELATING TO BEACH MANAGEMENT ON THE NORTH SHORE OF OAHU

Based out of Haleiwa, HI, Shoreline Conservation Initiative is a small 501c3 non-profit organization dedicated to supporting the sustainability and resilience of coastal communities and nearshore ecosystems through science, research, and conservation action.

Our organization strongly supports HB 2248, and I applaud the efforts of all that have been involved to get things to this point.

I am a long-time resident of the North Shore and could easily throw a rock to the proposed HB 2248 study area from my lanai. Besides daily observations, I am also a coastal engineer with over 19 years of experience developing nature-based approaches to complex coastal and climate resilience related challenges like the situation within the HB 2248 geographic study area (Sunset Point to Sharks Cove). My master's project in coastal geology at the University of Hawaii at Manoa involved the collection of site-specific coastal and shoreline data for this exact area. The coastal dynamics of this stretch of shoreline require a time series of geomorphological data to inform future management decisions and planning efforts. Therefore, as much as I have been able to (while juggling other family and professional commitments), I have tried to continue collecting data and expert-level anecdotal observations, as I have seen them to be critical to the future success of identifying and implementing potential solutions to this very complicated problem. To that end, in 2018 I started the non-profit organization [Shoreline Conservation Initiative](#), with the sole objective of trying to help solve beach erosion issues within this study area (and ultimately, the greater North Shore region).

With that background, I have one primary comment and many more detailed suggestions regarding the wording of the proposed bill ([see next page](#)):

The bill speaks significantly to community engagement and input, crucial to project success, however – as has been seen in many other projects – a research study does not always include the practitioner expertise in identifying solutions and ultimately moving towards “action”. While UH Sea Grant is an excellent research institution and serves a critical role of bridging science and policy with superb stakeholder and community engagement, they are not typically equipped to designing and building solutions to these research-oriented investigations. I encourage you to allow this bill’s funding to engage a broader range of experts both inside academia, and outside, whether from the private or non-profit sector. This private/public approach encourages broad perspective and additional expertise, that will serve to help make the final project deliverable the best and most actionable. **At the very least, I suggest the project team consider establishing a technical advisory group (or similar) to support the leaders of the study in this capacity.**

Sincere mahalo for the opportunity to provide supporting testimony in support of this bill.

Sincerely,

Robert A. Walker, PE

A handwritten signature in blue ink that reads "Robert A. Walker". The signature is fluid and cursive, with the first name being the most prominent.

Executive Director

Shoreline Conservation Initiative

rwalker@shorelineconservation.org

PO Box 756, Haleiwa, HI 96712

808.202.1920

HB2248 WAL-HET Hearing
January 31, 2024 2:00 pm

Aloha WAL Chair Ichiyama, HET Chair Perruso, Members of the Committees,

I write in **strong support of HB2248**. I have lived on the North Shore of O‘ahu for over thirty years including several years residing and raising my family in the “Kammies”/Ke Nui Road to Kapo‘o neighborhood, the erosion “hot spot” that is addressed by this bill.

A surprisingly diverse group of stakeholders appear to support this bill – from conservationists to beachfront homeowners – two groups that do not always find common ground, but, on this bill, it seems we can -- an **unusual positive consensus** that the Legislature should recognize and support.

Particularly in the past decade, this spectacular beach has experienced **severe episodic erosion**, causing hazards to homeowners, beachgoers, and the integrity of the beach/dune ecosystem. The erosion is only getting worse with sea level rise and less predictable swell direction and strength, undermining the frontage and foundations of homes built on a once-stable sand dune.

I think everyone recalls the shocking headline in [February 2022](#) “*As beach disappears, house collapses into ocean on Oahu’s North Shore.*” This photo shows the unfortunate modest beach house -- owned by a local family -- that fell into the ocean, sending a **distress signal** to our community and around the world.



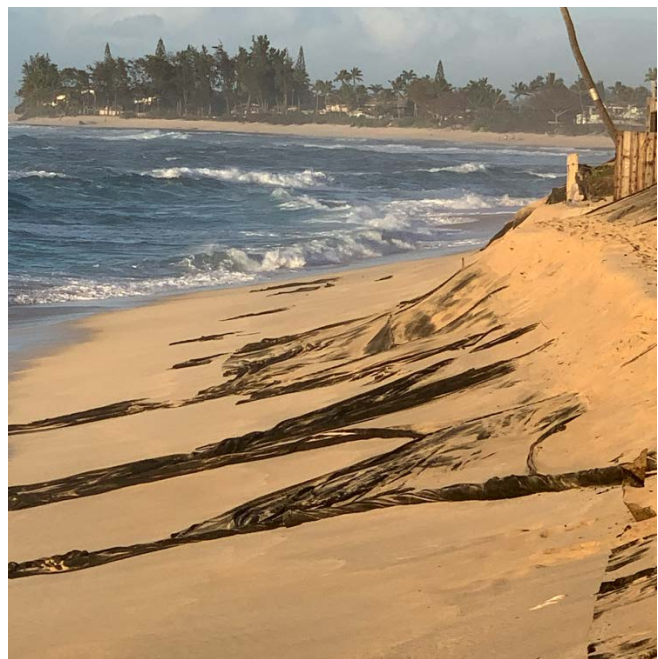
Based on the Legislature’s passage of **Act 16 (2020)**, which wisely prohibited new shoreline hardening structures shoreline across the state, new approaches must be explored to balancing the protection of our beaches and long-term adaptation (including possible relocation) of beachfront homes.

The Department of Land and Natural Resources has – correctly, in my view -- taken **strong enforcement** action against illegal and expired shoreline erosion control measures – such as seawalls,

concrete pours, rocks, sand bags, and black fabric “burritos” and tarps. But DLNR can address these serious issues only “parcel by parcel,” creating **frustration and efficiency problems** for DLNR, the homeowners, and the beach. The beach and public suffer for months if not years while fines and removal orders are contested by homeowners who feel their homes are at risk.

Just a few days ago, I helped our community coordinate the fourth “**burrito debris clean up**” work day at this beach to cut up and remove deteriorated heavy black “burrito” fabric and broken sandbags from illegal shoreline installations. This debris is **impeding public access and posing serious hazards** to the public and marine life.

During our cleanup on Saturday January 25, over 20 volunteers (including beachfront homeowners), used knives to cut up and remove **three pickup-truck loads** of dangerously strewn burrito fabric and debris in this eroding stretch of shoreline:



In short, particularly in this North Shore “hot spot,” a **cohesive plan is desperately needed** to provide options to the community and homeowners, and to protect the public trust. **UH Sea Grant** knows this area and community very well, including through participation in the **2022 North Shore Coastal Resilience Working Group**, and is the ideal entity to lead the development of an “action plan” (not just a “study”) that would evaluate and clarify pathways forward.

This plan, supported by our highly motivated community and diverse stakeholder groups, could be a model for addressing other erosion “hot spots” across the State. **Please support HB2248.**

Mahalo nui,

Denise Antolini
59-463 Alapi’o Road
Pūpūkea, HI 96712

Subject: Testimony in Support of HB2248

Beach Management the North Shore

Honorable Committee Members/Officials,

I am writing to express my strong support for HB2248, and the implementation of effective beach management strategies specifically tailored to address the unique needs of the North Shore. As a resident in this community, I believe it is crucial to take proactive measures to preserve the natural beauty and integrity of our coastline.

1. Personal Connection: The North Shore is not just a residence; it is a cherished part of my life and an integral aspect of the community. Preserving the health and sustainability of our shorelines is of paramount importance to me, my family, and our neighbors.

2. Erosion Concerns: I have observed firsthand the challenges posed by erosion, and I am deeply concerned about its potential impact. Implementing effective erosion control measures, such as the Sand Dunes, is vital to safeguarding the overall stability and resilience of the shoreline.

3. Collaboration with Authorities: I would appreciate the efforts of local authorities in managing the beach. I urge close collaboration with our community and relevant authorities to ensure that management plans and timelines are understood. This collaboration will enhance the overall effectiveness of beach management efforts.

4. Transparent Communication: Open and transparent communication between property owners, local authorities, and relevant stakeholders is vital. Regular updates on beach management initiatives, potential challenges, and proposed solutions will foster a sense of community involvement and shared responsibility.

In conclusion, I wholeheartedly support HB2248 and beach management efforts on the North Shore. I believe that through collaborative and tailored strategies, we can preserve the North Shore and do it in a responsible way.

Sincerely,

Charley J Chartoff

59-157 Ke Nui Road

Haleiwa, HI. 96712

HB-2248

Submitted on: 1/30/2024 8:38:10 AM

Testimony for WAL on 1/31/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Kathleen M. Pahinui	Individual	Support	Written Testimony Only

Comments:

Aloha -

I support this effort in managing the issues of erosion on our North Shore.

Mahalo,

Kathleen M. Pahinui

Eric & Moniza Freeman
59-181 D Ke Nui
Haleiwa, HI 96712
Eric.freeman24@gmail.com
949 648-4340

January 30, 2024

Honorable Members of the Hawaii House Committee on Ocean, Marine Resources & Hawaiian Affairs

Re: Testimony in Support of HB2248 - Urgent Need for a Comprehensive Plan from Rocky Point to Sunset Point

Aloha esteemed members of the committee,

I am writing to express my strong support for House Bill 2248, which addresses the critical need for a comprehensive plan for the preservation and enhancement of the iconic beaches of the north shore, and specifically the area from Rocky Point to Sunset Point. As a concerned citizen and advocate for responsible coastal management, I believe that a focused strategic plan, not just a study, is urgently required to ensure the holistic well-being of this vital stretch of beach.

This stretch of beach is not just a picturesque site; it is a shared treasure that binds our community together. The proposed bill acknowledges the necessity for a comprehensive plan that goes beyond mere study and actively seeks solutions to the challenges facing the beach. Inaction could result in irreversible damage, affecting not only homeowners but the entire community and the natural habitat of the beach.

Moreover, the protection of the sand dunes along this stretch of beach is crucial for preserving the integrity of Kamehameha Highway. These dunes act as a natural buffer, shielding the highway from erosion and other environmental hazards. The potential impact of neglecting the protection of the sand dunes extends beyond the local community, affecting the accessibility and safety of Kamehameha Highway for residents and visitors alike.

The proposed investment of \$3 million may seem substantial, but it pales in comparison to the potential costs of inaction. The degradation of these beaches will lead to increased erosion, loss of property value, and a decline in tourism revenue, negatively impacting the economy; ultimately costing exponentially more than this proposed bill. Investing in a comprehensive plan now is a cost-effective strategy that will pay dividends in the long run.

I urge the committee to consider the broader implications and benefits of HB2248. This bill is not just about protecting the interests of homeowners; it is about safeguarding the natural beauty, ecological balance of the north shore beaches, and the vital role the sand dunes play in protecting Kamehameha Highway for the entire community. I am confident that, with your support, we can establish a precedent for proactive coastal management that balances environmental conservation with community needs.

Mahalo for your time and dedication to preserving the unique treasures that make Hawaii truly special.

Sincerely,

Eric & Moniza Freeman

Testimony in support of HB 2248 by Kenneth Martyn

To:

Chair Rep. Linda Ichiyama & the Member Representatives on the Committee on Land and Water, and

Chair Rep. Amy Perrusso & the Member Representatives on the Committee on Higher Education & Technology

I support passage of HB 2248. We need to be engaging in the active creation of an actual plan (not just another study) for the management and preservation of our sandy beaches (hopefully reached in a cooperative manner taking into account the interests of the many different stakeholders), and based on the kind of solid science that the UH Sea Grant College is capable of, if it is properly funded to do that work.

This proposed area of the North Shore is an excellent place to start, because it is important to both our residents from all over Oahu, and to the many thousands of tourists who visit this area on the North Shore every year. In short, the beaches in this area have great economic importance to Hawaii, and great intrinsic importance to our residents.

Although I do not live in the District that includes the Sunset Beach to Three Tables coastline (I live in Waialua), I think this \$3 million would be money very well spent.

My only suggestion for a possible amendment, would be to specify that if not all of the \$3 million is spent on creating the plan, then any remaining money can be spent on actual implementation of portion(s) of the plan, so long as all necessary governmental approvals are obtained prior to any such physical implementations activities.

HB-2248

Submitted on: 1/30/2024 1:20:42 PM

Testimony for WAL on 1/31/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Randolph Moore	Individual	Support	In Person

Comments:

This bill appropriates funds for a beach management plan for that portion of Sunset Beach between Sunset Point and Sharks Cove.

I strongly support this bill. It is the next step in a process that was initiated by the Surfrider Foundation – the organization of the North Shore Coastal Resilience Working Group – to identify actions that could mitigate shoreline erosion along parts of the entire North Shore between Kawela and Mokulē‘ia. I was a member of the working group. This working group is referenced in the bill beginning on line 18 on page 3.

This beach is an amenity for the entire island, as well as for the many tourists who visit it. Absent a plan that addresses the issues, this amenity will continue to deteriorate, to the detriment of all who enjoy it.

Full disclosure: I am a beachfront property owner along this stretch of beach. I intend to move my house back (in a mauka direction) on my lot. It was 60 feet from the vegetation line when I built the house in 1976. Erosion has claimed about 45 feet of my yard since then. I have a contract ready to sign to do this work, pending approval of the design for the septic system (which approval has been pending for a number of months). I am fortunate that I have room on my lot to do this; most of my neighbors are not so fortunate.

The plan proposed by this bill is what is needed – a plan, not another study.

Mahalo for your consideration!