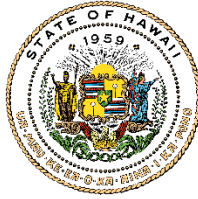


JOSH GREEN, M.D.  
GOVERNOR | KE KIA'ĀINA

SYLVIA LUKE  
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAII'  
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ENGINEERING  
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

Thursday, April 11, 2024  
2:15 PM

State Capitol, Conference Room 016, Via Videoconference

In consideration of  
HOUSE CONCURRENT RESOLUTION 11, HOUSE DRAFT 2  
AUTHORIZING THE ISSUANCE OF A TERM, NON-EXCLUSIVE  
EASEMENT COVERING A PORTION OF STATE SUBMERGED LANDS  
AT WAIALAE-IKI, HONOLULU, OAHU FOR THE EXISTING  
REVTMENT, AND FOR USE, REPAIR, AND MAINTENANCE OF THE  
EXISTING IMPROVEMENTS CONSTRUCTED THEREON.

House Concurrent Resolution 11, House Draft 2, is an Administration Package measure that requests Legislative approval for a term, non-exclusive easement covering approximately 2,894 square feet of State submerged lands located seaward of the property identified as Tax Map Key: (1) 3-5-058:011, at Wai'ālae-Iki, Honolulu, O'ahu, for the existing rock revetment present on the site. **The Department of Land and Natural Resources (Department) supports this Concurrent Resolution.**

The encroachment at issue is a rock revetment, largely buried in sand, located makai of a seawall at the boundary of the private property. Departmental records reveal that the revetment at issue is a part of a larger shoreline protection structure that was constructed across 15 consecutive shoreline parcels in 1964 by Bishop Estate, the original developer of the Kai Nani subdivision. Records show that Bishop Estate obtained a permit for the structure from the Department of Transportation and requested an easement for the structure and right-of-entry permit to perform construction activities on State shoreline land from the Department of Land and Natural Resources. A letter from the Division of Land Management (the precursor to the Department's current Land Division) to Bishop Estate dated October 1, 1964, indicates that the Board of Land and Natural Resources (Board) approved the construction right-of-entry at its meeting on April 10, 1964, and stated that

the Department was processing the sale of an easement for the structure. For reasons that are unknown to current Department staff, that easement sale was never completed or recorded. Therefore, subsequent property owners are required to apply individually to the Board for easement dispositions to normalize the portions of the structure that abut their private properties.

The Board approved the issuance of an easement to the current property owner at its meeting on April 14, 2023, under Agenda Item D-5. The Office of Conservation and Coastal Lands (OCCL) supported and continues to support this easement disposition. OCCL found that the narrow sandy beach fronting the revetment shows signs of long-term stability and seems to have equilibrated to the current environmental conditions since the 1964 construction of the revetment. OCCL further found that “removing the revetment entirely could disrupt the equilibrated state of the subject beach and have a negative effect” and “may create a significant erosion event . . . possibly resulting in beach loss as the beach returns to equilibrium.” OCCL also noted that there is a narrow beach walkway that allows for lateral public access, although the beach is usually wet and submerged at high tide.

Pursuant to the Board’s approval, the property owners are paying monthly rent in the amount of \$831.00 for the proposed easement area and are providing liability insurance. The property owners have also posted a removal bond in the amount of \$15,700.00 to insure the State against the cost of removing the encroachment in the event that the Legislature and the Governor do not approve issuance of the requested easement. If the Legislature and the Governor do 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.

The Department supports this Concurrent Resolution, which represents the completion of a land disposition process that was initially approved by the Board 60 years ago.

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

**HCR-11-HD-2**

Submitted on: 4/10/2024 1:40:36 AM

Testimony for WTL on 4/11/2024 2:15:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Ian Hirokawa	Testifying for Department of Land and Natural Resources	Support	Remotely Via Zoom

Comments:

Written testimony from DLNR previously submitted on another Capitol account. Request for a Zoom link for additional DLNR staff testifying remotely for HCR11 HD2 as backup.