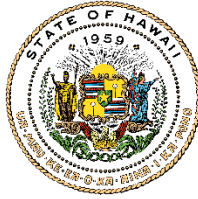


JOSH GREEN, M.D.
GOVERNOR | KE KIA'ĀINA

SYLVIA LUKE
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAII'
DEPARTMENT OF LAND AND NATURAL RESOURCES
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CONSERVATION AND RESOURCES
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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 12, HOUSE DRAFT 2
AUTHORIZING THE ISSUANCE OF A TERM, NON-EXCLUSIVE
EASEMENT COVERING A PORTION OF STATE SUBMERGED LANDS
AT KANEEOHE, KOOLAUPOKO, OAHU FOR THE EXISTING
CONCRETE BOAT RAMP, AND FOR USE, REPAIR, AND MAINTENANCE OF THE
EXISTING IMPROVEMENTS CONSTRUCTED THEREON.

House Concurrent Resolution 12, House Draft 2, is an Administration Package measure that requests Legislative approval for a term, non-exclusive easement covering approximately 156 square feet of State submerged lands located seaward of the property identified as Tax Map Key: (1) 4-5-047:013, at Kāneʻohe, Koʻolaupoko, Oʻahu, for the existing concrete boat ramp present on the site. **The Department of Land and Natural Resources (Department) supports this Concurrent Resolution.**

The encroachment at issue is a concrete boat ramp that has been present at the site since at least 1967, as determined by the City & County of Honolulu Department of Planning and Permitting (DPP) based on historical aerial photographs and DPP records. Therefore, DPP concluded that the boat ramp is an allowable non-conforming structure. The boat ramp is currently partially submerged by the waters of Kāneʻohe Bay and seems to have been originally constructed as part of the existing concrete seawall that forms the makai private property boundary.

The Office of Conservation and Coastal Lands (OCCL) concurred with DPP's determination that the boat ramp is an allowable non-conforming shoreline use and supports the grant of easement. OCCL found that the shoreline surrounding the property at issue is similarly armed with seawalls

and related structures, has no sandy beach in the area, and that the submerged land makai of the Kāneʻohe Bay shoreline in the area is characterized by a rocky and muddy bottom. Lateral public access to the shoreline is not possible because the land is constantly submerged by the waters of Kāneʻohe Bay. OCCL further found that removal of the boat ramp would not improve beach resources or public shoreline access and the effects of removal would be detrimental to the shoreline in terms of increasing land erosion to the subject property as well as causing flanking erosion to neighboring properties.

The Board approved issuance of this easement at its meeting on May 12, 2024, under Agenda Item D-8. Pursuant to the Board's approval, the property owners are paying monthly rent in the amount of \$34.00 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.

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

HCR-12-HD-2

Submitted on: 4/10/2024 1:43:24 AM

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

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---|---------------------------|----------------------|
| 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 HCR12 HD2 as backup.