

**STATE OF HAWAII
OFFICE OF PLANNING
& SUSTAINABLE DEVELOPMENT**

JOSH GREEN, M.D.
GOVERNOR

SCOTT J. GLENN
DIRECTOR

235 South Beretania Street, 6th Floor, Honolulu, Hawai'i 96813
Mailing Address: P.O. Box 2359, Honolulu, Hawai'i 96804

Telephone: (808) 587-2846
Fax: (808) 587-2824
Web: <https://planning.hawaii.gov/>

Statement of
SCOTT GLENN, Director

before the
SENATE COMMITTEE ON WAYS AND MEANS

Thursday, March 2, 2023, 10:00 AM
State Capitol, Conference Room 211

in consideration of
**SB 1068 SD1
RELATING TO BEACHES.**

Chair Dela Cruz, Vice Chair Keith-Agaran, and Members of the Senate Committee on Ways and Means:

The Office of Planning and Sustainable Development (OPSD) **supports and provides comments to SB 1068 SD1** which amends Hawaii Revised Statutes (HRS) § 226-11(b) and makes an appropriation for the development of a statewide beach assessment study and a beach and shoreline restoration and conservation plan; provided that its passage does not replace or adversely impact priorities indicated in our Executive Budget.

To align more closely with the existing framework of the Objectives and Policies of the Hawaii State Planning Act, and ensure that the policy further encompasses policy goals outside of the study to be funded in this measure, OPSD respectfully offers the following amendments on Page 2, Lines 15-18:

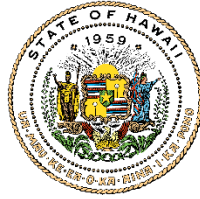
- (10) Promote [a] statewide beach assessments [study] and beach and shoreline restoration and conservation to develop feasible beach and shoreline restoration or conservation options.

The OPSD has long recognized the value of beaches and public access and the pressures on these resources from coastal erosion, development, and sea level rise. In addition to funding past studies and beach management plans, the Coastal Zone Management (CZM) Program has obtained funding for an initiative that will contribute towards the intent of this measure and recently contracted services to explore shoreline management from an alternative approach to parcel-by-parcel decision making by developing a methodology to establish a regional approach that takes into consideration the environmental conditions for the state's diverse shorelines and beaches.

Thank you for the opportunity to testify on this measure.

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

SYLVIA LUKE
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAI'I
DEPARTMENT OF LAND AND NATURAL RESOURCES
KA 'OIHANA KUMUWAIWAI 'ĀINA

P.O. BOX 621
HONOLULU, HAWAII 96809

Testimony of
DAWN N. S. CHANG
Chairperson

Before the Senate Committee on
WAYS AND MEANS

Thursday, March 2, 2023
10:00 a.m.

State Capitol, Conference Room 211 & Videoconference

In consideration of
SENATE BILL 1068, SENATE DRAFT 1
RELATING TO BEACHES

Senate Bill 1068, Senate Draft 1 proposes the development of a statewide beach assessment study and a beach and shoreline restoration and conservation plan and appropriates funds for the endeavor. **The Department of Land and Natural Resources (Department) supports this bill.**

In order to enable beaches to persist with sea level rise, one of the recommendations made in the 2022 Sea Level Rise Report¹ is to *conduct a statewide assessment of beaches applying the objectives of the Hawaii 'i Coastal Zone Management Act (Hawaii Revised Statutes §205A-2)*. The report notes that the assessment should identify beaches and dune systems that are important for recreational uses, cultural practices, wildlife habitat, and coastal resilience.

The Department appreciates that Senate Bill 1068, Senate Draft 1 will take action on the recommendations of the Sea Level Rise Report. The results of the assessment, and the development of beach and shoreline restoration and conservation plans, will assist the Department in its mission to protect Hawai'i's natural and cultural public trust resources.

The Department looks forward to cooperating with the Office of Planning and Sustainable Development in working on the study and developing the restoration and conservation plans.

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

¹ The report is available at climate.hawaii.gov/wp-content/uploads/2023/01/OCCL23-Sea-Level-Rise-Report-FY22-1.pdf

DAWN N.S. CHANG
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE
MANAGEMENT
LAURA H.E. KAAKUA
FIRST DEPUTY
M. KALEO MANUEL
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



SB1068 SD1
RELATING TO BEACHES
Senate Committee on Ways and Means

March 2, 2023

10:00 AM

Room 211

The Office of Hawaiian Affairs (OHA) respectfully **COMMENTS** on SB1068 SD1, which proposes to develop a statewide Beach Assessment Study and Beach and Shoreline Restoration and Conservation Plan. OHA offers the following amendments that will help improve the measure.

OHA agrees with the purpose of the measure, as amended by the Senate Committee on Water and Land: WTL declined to remove the word, “plan,” as requested in testimony by the Office of Planning and Sustainability Development (OPSD). OPSD, in its WTL testimony, had sought to omit the word, plan, completely from the measure. Instead, OPSD originally wanted only to “develop feasible beach restoration or conservation options.” In the WTL Committee Report, it is noted that the WTL Committee charges OPSD with developing a “plan,” not mere “options.” **OHA urges the Senate Committee on Ways and Means to replace the word, “options,” on line 18 of page 2 with the more forcefully-committed word, “plan.” In addition, the aforesaid word, “or,” should be replaced by “and.”**

Accordingly, OHA very much appreciates the recognition given to “Native Hawaiian traditional practices mauka and makai” in the amendments made by the WTL Committee. (Page 2 of SD1, lines 10 and 11.) The term, “traditional practices mauka and makai,” refers to the gathering and subsistence activities of Native Hawaiians at the beaches (such as limu-gathering, fishing, and moving sands for flood control at mouths of streams) which were part-and-parcel of each ahupua’a in these Islands for centuries.

As the principal public agency in the State responsible for the performance, development, and coordination of programs and activities relating to Native Hawaiians,¹ OHA wishes to emphasize the State’s trust responsibilities for the paramount protect of Native Hawaiian rights, culture, traditions, and identity.² This measure recognizes the myriad of stakeholders with interest in the beaches by “[p]ursu[ing] compatible relationships among activities, facilities, Native Hawaiian traditional practices mauka and makai, and natural resources.” **OHA takes care to note that the constitutional protections**

¹ HRS §10-3.

² Pub. L. 86-3, 73 Stat. 4; Hawai‘i Admissions Act of 1959; Haw. Stat. Con. Art. XII (1978); Haw. Rev. Stat. §10 and §10H.



SB1068 SD1
RELATING TO BEACHES
Senate Committee on Ways and Means

afforded to Native Hawaiians have arisen out of historical injustices against the Native Hawaiian people, injustices that have yet to be resolved,³ which have led to ongoing negative systemic impacts and disparities faced by the Native Hawaiian people. When balancing the interests of stakeholders, the State should always be mindful of the great weight behind Native Hawaiian interests in so far as they are connected to the perpetuation of the Native Hawaiian people and the protection of their culture, traditions, resources, identity, and aspirations.

OHA, herewith, suggests that this measure be further improved by amending the paragraph on Page 2, lines 9-11 with the following language to ensure that the appropriate actions are taken to preserve and protect Native Hawaiian interests:

(8) Pursue compatible relationships among activities, facilities, Native Hawaiian traditional practices mauka and makai, in part through consultation with the Native Hawaiian community and the office of Hawaiian affairs, and natural resources;

Finally, OHA takes this opportunity to apprise the Legislature that proceeds from activities, such as sand mining and concessions on beaches that are part of the public-land trust are subject, per State of Hawai'i law, to a 20 percent pro rata share "for the betterment of Native Hawaiians."⁴ , it is important to note – and this measure should be amended to make clear – that none of the lands in the "beach restoration and conservation reclamation plan" can be alienated from – separated out of – the public-land trust.

OHA appreciates the opportunity to testify on this measure and urges the Legislature to provide the necessary amendments to SB1068 SD1 for the betterment of conditions of Native Hawaiians. Mahalo nui loa!

³ Pub. L. 103-150 (1993), 107 Stat. 1510, The Apology Resolution.

⁴ Act 273, 1980 Haw. Sess. Laws 525, Haw. Rev. Stat. §10-13.5.



**STATE OF HAWAII
HAWAII CLIMATE CHANGE MITIGATION & ADAPTATION
COMMISSION
POST OFFICE BOX 621
HONOLULU, HAWAII 96809**

Co-Chairs:
Chair, DLNR
Director, OPSP

Commissioners:
Chair, Senate AEN
Chair, Senate WTL
Chair, House EEP
Chair, House WAL
Chairperson, HTA
Chairperson, DOA
CEO, OHA
Chairperson, DHHL
Director, DBEDT
Director, DOT
Director, DOH
Chairperson, DOE
Director, C+C DPP
Director, Maui DP
Director, Hawai'i DP
Director, Kaua'i DP
The Adjutant General
Manager, CZM

**Testimony of
Leah Laramee
Coordinator, Hawai'i Climate Change Mitigation and Adaptation Commission**

**Before the Senate Committees on
WAYS AND MEANS**

**Thursday, March 2, 2023
10:00 AM**

State Capitol, Via Videoconference, Conference Room 211

**In consideration of
SENATE BILL 1068 SENATE DRAFT 1
RELATING TO SEA LEVEL RISE ADAPTATION**

Senate Bill 1068 SD1 includes in the State's policies for the physical environment under the Hawaii State Planning Act, the promotion of a statewide beach assessment study and beach and shoreline restoration and conservation and the pursuit of compatible relationships among activities, facilities, Native Hawaiian traditional practices, and natural resources and appropriates funds. **The Climate Change Mitigation and Adaptation Commission (Commission) supports this bill.**

The Hawai'i Climate Change Mitigation and Adaptation Commission consists of a multi-jurisdictional effort between 20 different departments, committees, and counties. The 2022 Hawai'i Sea Level Rise Vulnerability and Adaptation Report update recommended an action item to "Conduct a state-wide assessment of beaches applying the objectives of the Coastal Zone Management Act (HRS 205A-2)" in support of the recommendation to "enable beaches to persist with sea level rise". SB 1068 directly supports the recommendation of that report and enables the State to continue sea level rise adaptation planning.

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



UNIVERSITY OF HAWAII SYSTEM

‘ŌNAEHANA KULANUI O HAWAII

Legislative Testimony

Hō'ike Mana'o I Mua O Ka 'Aha'ōlelo

Testimony Presented Before the
Senate Committee on Ways and Means
Thursday, March 2, 2023 at 10:00 a.m.

By

Charles "Chip" Fletcher, PhD
Dean, School of Ocean and Earth Science and Technology

And

Darren T. Lerner, PhD
Director, Sea Grant College Program,
School of Ocean and Earth Science and Technology

And

Michael Bruno, Provost
University of Hawai'i at Mānoa

SB 1068 SD1 – RELATING TO BEACHES

Chair Dela Cruz, Vice Chair Keith-Agaran, and Members of the Committee:

The University of Hawai'i Sea Grant College Program (Hawai'i Sea Grant) and the Climate Resilience Collaborative (CRC) **support SB 1068 SD1.**

This measure includes in the State's policies for the physical environment under the Hawai'i State Planning Act, the development of a statewide beach assessment study and a beach and shoreline restoration and conservation plan. The measure also appropriate funds.

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 (NOAA) that promote better understanding, conservation, and use of coastal resources.

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

Hawai'i Sea Grant and the Climate Resilience Collaborative support SB1068 SD1.

Thank you for the opportunity to testify on this measure.

SB-1068-SD-1

Submitted on: 2/27/2023 9:08:50 PM

Testimony for WAM on 3/2/2023 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Will Caron	Individual	Support	Written Testimony Only

Comments:

Please support SB1068 SD1.