

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

**JOSH GREEN, M.D.**  
GOVERNOR

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Statement of  
**SCOTT GLENN, Director**

before the  
**HOUSE COMMITTEE ON WATER AND LAND**

Thursday, March 16, 2023, 10:00 AM  
State Capitol, Conference Room 430

in consideration of  
**SB 1068 SD2**  
**RELATING TO BEACHES.**

Chair Ichiyama, Vice Chair Poepoe, and Members of the House Committee on Water and Land:

The Office of Planning and Sustainable Development (OPSD) **supports SB 1068 SD2**, 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.

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.

The OPSD has initiated preliminary scoping for the activities described in this measure, and has estimated that they would require an appropriation of \$1 million dollars which would include, but not be limited to:

Development of a "statewide beach assessment study":

1. Description of **characteristics of a beach** (shape, size, sand characteristics) and **its health** (growing, shrinking, under stress),
2. **Coastal processes & hazards** (what conditions caused its creation), and
3. **Existing mauka uses** (public recreation/amenities, backshore development, coastal infrastructure).

Development of a “Beach and Shoreline Restoration and Conservation Plan”:

1. Synthesis of **existing recent data** for state and beach parks,
2. Identification of **sand sources**
3. Identification of **public recreation assets** that are at-risk and may need renourishment or armoring to maintain the amenity, particularly where retreat is not possible and/or where **maintaining the public asset** also protects a major coastal road located on the backshore, and
4. **Coordination among agencies** at federal, state, and county levels to develop a process to **prioritize conservation and adaptation** actions suitable to the **site-specific** characteristics of the beach and its surrounding conditions.

Thank you for the opportunity to testify on this measure.



**SB1068 SD2**  
**RELATING TO BEACHES**  
Senate Committee on Ways and Means

March 2, 2023

10:00 AM

Room 211

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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 is concerned with the adequacy of any pursuit for “compatible relationships among activities, facilities, Native Hawaiian traditional practices mauka and makai, and natural resources” contemplated by this measure and offers the following amendment to mitigate these concerns:**

OHA recommends that this measure be further improved by amending the section on Page 2, lines 6-8 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 through consultation with the office of Hawaiian affairs, and natural resources;

OHA agrees with the purpose of the measure. As the principal public agency in the State responsible for the performance, development, and coordination of programs and activities relating to Native Hawaiians,<sup>1</sup> OHA wishes to emphasize the State’s trust responsibilities for the paramount protect of Native Hawaiian rights, culture, traditions, and identity.<sup>2</sup> 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 afforded to Native Hawaiians have arisen out of historical injustices against the Native Hawaiian people, injustices that have yet to be resolved,<sup>3</sup> which have led to ongoing negative systemic impacts and disparities faced by the Native Hawaiian people. When balancing the interests of**

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<sup>1</sup> HRS §10-3.

<sup>2</sup> 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.

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



**SB1068 SD1**  
**RELATING TO BEACHES**  
Senate Committee on Ways and Means

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**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.**

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.”<sup>4</sup> , 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.

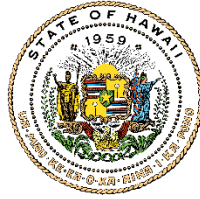
OHA appreciates the opportunity to testify on this measure and urges the Legislature to provide the necessary amendments to SB1068 SD2 for the betterment of conditions of Native Hawaiians. Mahalo nui loa!

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

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  
KA 'OIHANA KUMUWAIWAI 'ĀINA

P.O. BOX 621  
HONOLULU, HAWAII 96809

Testimony of  
DAWN N. S. CHANG  
Chairperson

Before the Senate Committee on  
WATER AND LAND

Thursday, March 16, 2023  
10:00 a.m.

State Capitol, Conference Room 430 & Videoconference

In consideration of  
SENATE BILL 1068, SENATE DRAFT 2  
RELATING TO BEACHES

Senate Bill 1068, Senate Draft 2 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 Report<sup>1</sup> 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 2 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.

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

<sup>1</sup> The report is available at [climate.hawaii.gov/wp-content/uploads/2023/01/OCCL23-Sea-Level-Rise-Report-FY22-1.pdf](https://climate.hawaii.gov/wp-content/uploads/2023/01/OCCL23-Sea-Level-Rise-Report-FY22-1.pdf)



# ‘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 and Land  
Thursday, March 16, 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 SD2 – RELATING TO BEACHES

Chair Ichiyama, Vice Chair Poepoe, 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 Senate Bill 1068 SD2 and respectfully offer one comment.**

This measure includes in the State's policies for the physical environment under the Hawai'i State Planning Act, the promotion of statewide beach assessments and beach and shoreline restoration and conservation and the pursuit of compatible relationships among activities, facilities, Native Hawaiian traditional practices mauka to makai, and natural resources. The measure appropriates funds to the Office of Planning and Sustainable Development for the development of a statewide beach assessment study and shoreline restoration and conservation plan. The measure also appropriates funds.

CRC and Hawai'i Sea Grant believe that the State should be able to expressly consider coastal adaptation approaches which help to protect natural resources and our public trust beaches in the State's assessments of beaches and shorelines. With that goal in mind, CRC and Hawai'i Sea Grant respectfully offer the following amendment on Page 2, Lines 12-15:

(10) Promote statewide beach assessments and beach and shoreline adaptation, restoration, and conservation to develop feasible beach and shoreline adaptation, restoration, or conservation options.

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 SB 1068 SD2.**

Thank you for the opportunity to testify on this measure.

**SB-1068-SD-2**

Submitted on: 3/14/2023 11:42:37 PM

Testimony for WAL on 3/16/2023 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Will Caron	Individual	Support	Written Testimony Only

Comments:

Please support SB1068 SD2.



**SB-1068-SD-2**

Submitted on: 3/16/2023 10:02:49 AM

Testimony for WAL on 3/16/2023 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
james pirtle	Individual	Oppose	Written Testimony Only

Comments:

I opose this bill. The legislature is not lawfully elected thus does not have the authority to enact laws and bills. All actions are treason against the United States of America.