



**Department of Land and Natural Resources  
Hawaii State Aha Moku  
State of Hawaii  
Post Office Box 621  
Honolulu, Hawaii 96809**

Testimony of  
Hawaii State Aha Moku

Before the House Committee on Water and Land

Tuesday, March 15, 2022  
8:30 A.M.

State Capitol, Conference Room 430 & Videoconference

**IN SUPPORT OF  
SENATE BILL 2799 SD 2  
Relating to the Kaiwi Coast**

Senate Bill 2799 SD 2 transfers lands to the Department of Land and Natural Resources and establishes that land and adjacent state-owned lands as the Kaiwi Coast State Park. It Establishes positions within the Department of Land and Natural Resources for management of the Kaiwi Coast State Park and appropriates funds.

**The Hawaii State Aha Moku (Aha Moku) supports this measure.**

The Kaiwi Coast is an invaluable natural and cultural asset for the people of Hawaii, and particularly for the generational native Hawaiian people who are part of the Maunaloa and Waimanalo ahupua'a and who continue to practice their Lawai skills along this coastline.

We are grateful for the care and attention that DLNR has taken with the other state parks on Kakuhihewa (O'ahu) – Leahi (Diamond Head State Monument, He'eia State Park, Iolani Palace, Ka'ena State Park, Royal Mausoleum State Monument, Ke'ehi Lagoon Memorial State Park, and the numerous recreation areas and wayside areas within O'ahu. We believe that if this measure is adopted that DLNR will protect and sustain this last piece of the Ko'olaupoko Moku as it has taken care of the Kaiwi State Scenic Shoreline which includes the Makapu'u Point Lighthouse Trail, a small part of the Kaiwi Coastline that the public uses and enjoys.

Thank you for the opportunity to comment on Senate Bill 2799 SD 2 and we ask that you adopt this measure.

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DAVID Y. IGE  
GOVERNOR OF  
HAWAII



**STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES**

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

**Testimony of  
SUZANNE D. CASE  
Chairperson**

**Before the House Committee on  
WATER & LAND**

**Tuesday, March 15, 2022  
8:30 AM**

**State Capitol, Conference Room 430, Via Videoconference**

**In consideration of  
SENATE BILL 2799, SENATE DRAFT 2  
RELATING TO THE KAIWI COAST**

Senate Bill 2799, Senate Draft 2 proposes to transfer lands to the Department of Land and Natural Resources (Department) and establish that land and adjacent state-owned lands as the Kaiwi Coast State Park and appropriate funds. **The Department is in support of the intent of this measure and offers the following comments.**

There is considerable public interest to further protect natural, undeveloped lands in East Oahu, as is evidenced by the adoption of Senate Concurrent Resolution 190, Senate Draft 1, House Draft 2 last Session. This is in response to public interest and was crafted to develop a plan to consider the following issues: consolidate management of the Maunalua-Makapuu Scenic Byway and Kaiwi coast area, address unauthorized vehicular access in the Maunalua-Makapuu Scenic Byway and Kaiwi coast area, provide for safe and protected pedestrian and bicycle access across the length of the Maunalua-Makapuu Scenic Byway from Waimanalo to Hawaii Kai, provide for proper signage, narratives, and education about the Maunalua-Makapuu Scenic Byway and Kaiwi coast area and its history, and to take appropriate steps to preserve and protect the Maunalua-Makapuu Scenic Byway and Kaiwi coast area in its wild and natural state, and to provide or limit access and manage visitors as may be necessary.

Yet to be determined by the working group is defining the project area. Participants being assembled are government agencies, elected officials, landowners and leaseholders and community and stakeholders. Senate Bill 2799, Senate Draft 1 furthers this intent, and the Department feels that further discussion with the Kaiwi Coast Working Group is warranted. The Department needs to clearly examine the TMK's that are called out in this measure and

**SUZANNE D. CASE**  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT

**ROBERT K. MASUDA**  
FIRST DEPUTY

**M. KALEO MANUEL**  
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES  
BOATING AND OCEAN RECREATION  
BUREAU OF CONVEYANCES  
COMMISSION ON WATER RESOURCE MANAGEMENT  
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KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

determine if they are appropriate for designation as part of the State Park system in consultation with the stakeholders of the Kaiwi Coast Working Group.

The Department appreciates the understanding and support that if new land is added to the State Park System, that additional positions and funds must be included to ensure adequate management capability. The Department supports future discussions and recognizes the critical need for site visits to ascertain the feasibility of the new designation as it relates to and evaluates the TMK's being proposed as additions to what is now established as the Kawai State Scenic Shoreline.

Thank you for the opportunity to comment on this measure.

DAVID Y. IGE  
GOVERNOR



CRAIG K. HIRAI  
DIRECTOR

GLORIA CHANG  
DEPUTY DIRECTOR

**STATE OF HAWAII**  
**DEPARTMENT OF BUDGET AND FINANCE**  
P.O. BOX 150  
HONOLULU, HAWAII 96810-0150

EMPLOYEES' RETIREMENT SYSTEM  
HAWAII EMPLOYER-UNION HEALTH BENEFITS TRUST FUND  
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BUDGET, PROGRAM PLANNING AND  
MANAGEMENT DIVISION  
FINANCIAL ADMINISTRATION DIVISION  
OFFICE OF FEDERAL AWARDS MANAGEMENT (OFAM)

**WRITTEN ONLY**  
TESTIMONY BY CRAIG K. HIRAI  
DIRECTOR, DEPARTMENT OF BUDGET AND FINANCE  
TO THE HOUSE COMMITTEE ON WATER & LAND  
ON  
SENATE BILL NO. 2799, S.D. 2

**March 15, 2022**  
**8:30 a.m.**  
**Room 430 and Videoconference**

RELATING TO THE KAIWI COAST

The Department of Budget and Finance (B&F) offers comments on this bill.

Senate Bill No. 2799, S.D. 2, transfers lands and establishes the Kaiwi Coast State Park; establishes four positions to support parks management; and appropriates an unspecified amount of general funds in FY 23 to be expended by the Department of Land and Natural Resources to plan, design, and construct the Kaiwi Coast State Park.

B&F notes that, with respect to the general fund appropriation in this bill, the federal Coronavirus Response and Relief Supplemental Appropriations Act requires that states receiving Elementary and Secondary School Emergency Relief (ESSER) II funds and Governor's Emergency Education Relief II funds must maintain state support for:

- Elementary and secondary education in FY 22 at least at the proportional level of the state's support for elementary and secondary education relative to the state's overall spending, averaged over FYs 17, 18 and 19; and
- Higher education in FY 22 at least at the proportional level of the state's support for higher education relative to the state's overall spending, averaged over FYs 17, 18 and 19.

Further, the federal American Rescue Plan (ARP) Act requires that states receiving ARP ESSER funds must maintain state support for:

- Elementary and secondary education in FY 22 and FY 23 at least at the proportional level of the state's support for elementary and secondary education relative to the state's overall spending, averaged over FYs 17, 18 and 19; and
- Higher education in FY 22 and FY 23 at least at the proportional level of the state's support for higher education relative to the state's overall spending, averaged over FYs 17, 18 and 19.

The U.S. Department of Education has issued rules governing how these maintenance of effort (MOE) requirements are to be administered. B&F will be working with the money committees of the Legislature to ensure that the State of Hawai'i complies with these ESSER MOE requirements.

Thank you for your consideration of our comments.



# Environmental Caucus of The Democratic Party of Hawai'i

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March 11, 2022

To: The Honorable David A. Tarnas, Chair  
The Honorable Patrick Pihana Branco, Vice Chair  
Members of the Committee on Water & Land

Re: **SB 2799 SD 2 – RELATING TO THE KAIWI COAST**  
Hearing: Tuesday, March 15, 2022, 8:30 a.m.,  
Conference Room 430 and Via Videoconference

**Position: Strong Support**

Aloha, Chair Tarnas, Vice Chair Branco, and Members of the Committee on Water and Land:

The Environmental Caucus of the Democratic Party of Hawai'i strongly supports this bill, which would establish a new State Park at the eastern end of O'ahu, consolidating State and County lands under a single management authority and to provide funding for those management activities. As the bill's purpose clauses note, "Collaboration between community organizations and government agencies is necessary to address myriad issues, such as managing human impacts, preventing invasive species, and restoring the Wawamalu dune system."

This bill would be a major step toward helping ensure that this highly valuable area is preserved for future generations. Mahalo for the opportunity to testify.

*Alan B. Burdick*

*Melodie Aokiya*

Co-Chairs, Environmental Caucus of the  
Democratic Party of Hawai'i



# SIERRA CLUB OF HAWAI'I

## HOUSE COMMITTEE ON WATER & LAND

March 15, 2022

8:30 AM

Conference Room 430

**In SUPPORT of SB2799 SD2:** Relating to the Kaiwi Coast

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Aloha Chair Tarnas, Vice Chair Branco, and Members of the Water & Land Committee,

On behalf of our 20,000 members and supporters, the Sierra Club of Hawai'i **supports SB2799 SD2**, which will help to facilitate the management and stewardship of O'ahu's long-cherished Kaiwi Coast.

Volunteers and members of the Sierra Club of Hawai'i have endeavored for decades to protect the natural and cultural integrity of the Kaiwi Coastline, helping to control invasive species, protect native species habitat, and maintain trails that allow residents and visitors to enjoy this area safely and with minimal impacts. Most recently, Sierra Club volunteers have successfully advocated for the installation of boulders and a designated parking area to prevent vehicular degradation of the sand dunes and adjacent coastal areas of Wāwāmalu.

By consolidating ownership and land use authority under the Department of Land and Natural Resources, and by providing resources needed to steward this special place, SB2799 SD1 will help to ensure that the ecological and cultural character of our Kaiwi Coast remains intact for current and future generations to steward, appreciate, and enjoy.

The Sierra Club does note that this measure does not contemplate the sale or gift of lands from the state to non-state agencies, and that HRS § 171-64.7 would therefore not be triggered by its provisions. See HRS §171-64.7(a), (f)(1). Accordingly, to avoid unnecessary confusion, the Sierra Club does recommend that the exemption to the requirements of HRS § 171-64.7 on page 3, lines 10-12 be deleted.

Accordingly, we respectfully urge the Committee to **PASS** SB2799 SD2.

Thank you very much for this opportunity to provide testimony.



3/15/2022

WAL Committee  
Hawai'i State Capitol  
Honolulu, Hawai'i 96813

Dear Chair Tarnas, Vice Chair Branco, and Members of the House Committee on Water and Land,

**Position: Support SB2799 SD2.**

The Surfrider Foundation is a national nonprofit organization dedicated to the protection and enjoyment of our ocean, waves, and beaches. Surfrider maintains a network of over 150 chapters and academic clubs nationwide, including 4 chapters in the Hawaiian Islands. The Surfrider Foundation focuses on many aspects of the environment such as coastal protection, plastic pollution, and water quality.

Over the past few years, the Surfrider Foundation O'ahu Chapter was heavily involved in an effort to protect Wāwāmalu Beach from vehicular degradation, which resulted in the insertion of large boulders to prevent illegal off-roading vehicles from driving across the dunes. The stretch of coastline serves as a critical wildlife habitat and natural resource that includes native plants and endangered species, including Hawaiian monk seals and sea turtles, and the installation of these boulders was just the first step in protecting this habitat. On January 25, a representative from Surfrider O'ahu was present at the Wāwāmalu Beach blessing with Mayor Rick Blangiardi and other key leaders and volunteers who spearheaded the effort to celebrate this initial victory.

Designating the Kaiwi Coast as a state park is a critical next step to ensure this area is preserved in its "wild and natural state," as stated in the bill. This bill would further protect the species who live in and around this coastline, as well as preserve the area for recreation and use for generations to come. This designation would address a number of issues such as "managing human impacts, preventing invasive species, and restoring the Wāwāmalu dune system," also as stated in the bill. The Surfrider Foundation O'ahu Chapter partnered with many organizations and community leaders to protect the Wāwāmalu Beach dunes, and we once again are eager to see this area further protected by being designated as a state park.

Thank you for your consideration of this testimony in support of SB2799 SD2, submitted on the behalf of the Surfrider Foundation's 4 Chapters in Hawai'i and all of our members who live in the state and visit to enjoy the many coastal recreational opportunities offered by all of the islands' coastlines.

Sincerely,

Camile Cleveland  
Volunteer Policy Coordinator  
Surfrider Foundation, O'ahu Chapter





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Livable Hawaii Kai Hui  
Aloha Aina O Kamilo Nui  
Ka Iwi Coast

Livable Hawaii Kai Hui is a 501(c)(3) non-profit, community organization serving East Honolulu since 2004. We strive to promote sensible growth, respect for cultural & natural resources, and upholding the integrity of the East Honolulu Sustainable Communities Plan.

March 14, 2022

Hawaii House of Representatives  
Committee on Water & Land  
Meeting on March 15, 2022 at 8:30 a.m.  
Conference Room 430/Online Videoconference

RE: **Community concerns and suggested amendments for SB2799, SD2**

Aloha Chair Tarnas, Vice Chair Branco, and WAL Committee Members,

Given our role in both the Ka Iwi Coalition and Maunaloa-Makapu'u Scenic Byway (MMSB), Livable Hawaii Kai Hui has paid very close attention to SB2799. We wish to offer several comments on this effort to conserve lands within the Kaiwi Coast State Park (Exhibit 1).

Earlier this year, the Hui stood proudly alongside the Sierra Club of Hawai'i, 808 Cleanups, Surfrider O'ahu Chapter, Department of Parks and Recreation, Hawai'i State Parks Division, Mayor Blangiardi, Council Chair Waters, Sen. Lee, and numerous others to commemorate the protection of Wāwāmalu on the Kaiwi Coast. This is just the latest example of our close interest in preventing further damage to our shared spaces.

That said, while we are encouraged by the stated goals of SB2799, we must express several **concerns** and ask this Committee to consider the following **comments**:

1. **Community input and government accountability:** The consolidation of Kaiwi park lands under the Department of Land and Natural Resources (DLNR) is of primary concern to residents and community organizations hesitant to back this bill. Many are longtime protectors of the area and only wish to see it taken care of properly. Recently we have heard that there has been talk about adding more biking and walking trails through the Kaiwi area — this is something that should be spoken about and envisioned with the community.

2. **DLNR officers:** For decades we have needed more DLNR officers from Maunalua Bay to the Hickam area, since there are typically two officers patrolling this wide ocean expanse. Our community has consistently been told DLNR does not have funding. Naturally, we must ask, then, how are these positions going to be funded, and what motives might there be for proposing such dedicated staffing? The Hui believes first and foremost that before any of these changes are made, the community and relevant working groups must be engaged. Preferably, if DLNR is to receive more funding, more DLNR officers can patrol across East O‘ahu all the way to Hickam, not exclusively Kaiwi.
3. **Hawaiian rights:** While the Kaiwi Coast Master Plan, MMSB Corridor Management Plan, and Hawaii Constitution all address the matter, we believe it would be powerful, appropriate, and just for SB2799 to explicitly recognize and protect Native Hawaiian traditional gathering rights, including, but not limited to, beach and ocean access, as well as other cultural and subsistence practices.
4. **Public access rights:** The desire to create a free and open space is evident in this push for a united Kaiwi Coast State Park. Section 5 of the bill stipulates that such a park should “build upon and reflect the direction of recent work for the Maunalua-Makapuu scenic byway and Kaiwi coast master plans[.]” Though Livable Hawaii Kai Hui took part in the creation of those documents and is determined to uphold them, it seems prudent that this bill move to codify certain goals and values, lest future master plans or working groups lose sight of the community’s intent. To that end, in addition to clear conservation and land management expectations, the Hui recommends direct protections for public access rights. Yes, preserving these lands for future generations will require certain restrictions, but we must not let the pendulum swing too far in the other direction by sacrificing all of today’s enjoyment.
5. **Cultural and historical resources:** As with the points above, this proposal may seem an extra precaution at face value, but history teaches us how easily interpretations can change over time, resulting in far-reaching consequences. With that in mind, the Hui expects strong, enforceable regulations that protect the area’s rich cultural and natural history, in line with the DLNR’s mission statement. If such amendments are beyond the scope of this measure, then we ask that Section 5 of the bill be supplemented with general guidelines or goals that further delineate the responsibilities of the MMSB and Kaiwi Coast working group established by SCR190, SD1, HD2 (2021). In addition to the group’s mandate to develop a plan that keeps the “area in its wild and natural state,” and “provide for proper signage, narratives, and education about the ... area and its history,” the Hui recommends that the group be specifically tasked with planning the protection of cultural and historical resources.

The above amendments notwithstanding, we would like to send a big mahalo to this Committee for taking up this measure and providing the public an opportunity to offer its input.

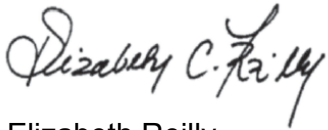
Stewardship of Kaiwi Coast is a kākou effort. Livable Hawaii Kai Hui has worked for many years to increase collaboration and improve management practices that are mindful of both the environment and public trust. Building on that trust, we believe the above **concerns should be addressed before this bill moves forward**. Stakeholders deserve meaningful meetings and conversations between Kaiwi community partners, the City and its Department of Parks and Recreation, DLNR, and our elected

officials. Instead, this bill proposes we move forward despite the fact that the Kaiwi and MMSB working group established last year has yet to convene.

So, we look forward to the necessary conversations and work ahead in our on-going collaborative and successful effort to protect Kaiwi in its wild, free and natural state.

Thank you for allowing Livable Hawaii Kai Hui to share its concerns regarding SB2799.

Mahalo,



Elizabeth Reilly  
Founder/President

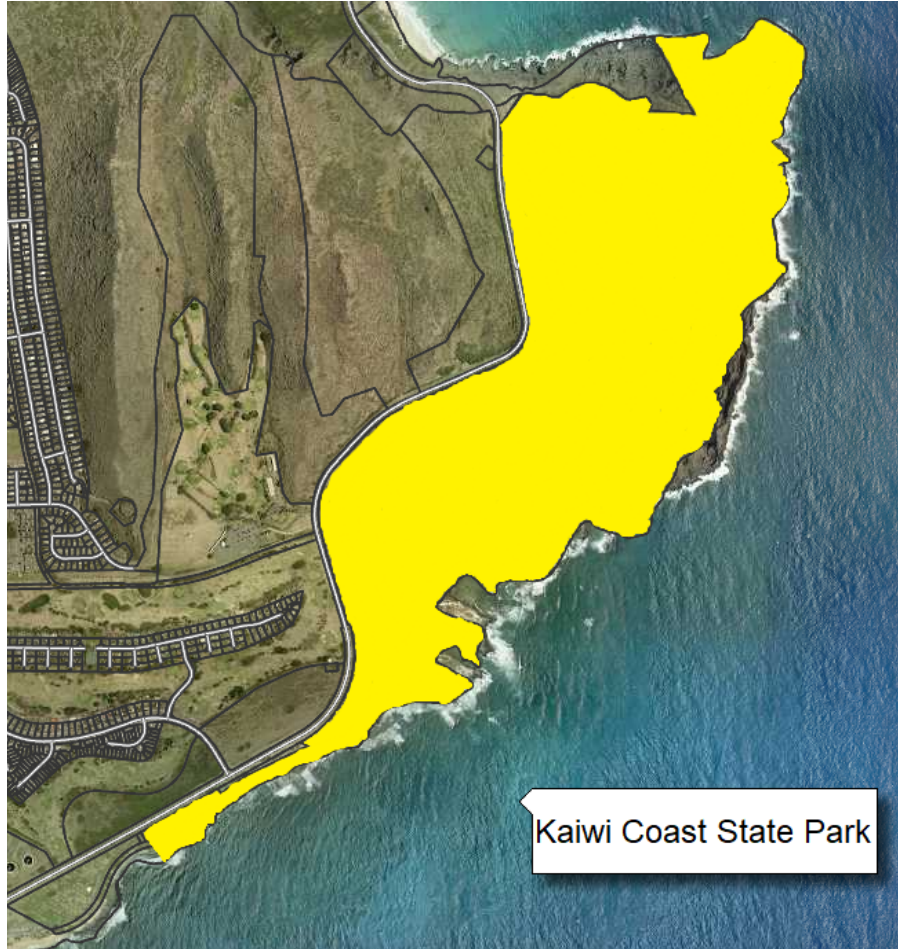


Ann Marie Kirk  
Cultural Advisor



Dylan Ramos  
Communications & Operations

Exhibit 1



An approximation based on Tax Map Keys listed in SB2799, SD2:

- (1) A portion of (1)3-9-10:003 located makai of Kalanianaʻole highway and terminating at the eastern access road ingress and egress for Sandy beach park, trending southerly to (1)3-9-12:002;
- (2) A portion of (1)3-9-12:002 located makai of Kalanianaʻole highway and makai of (1)3-9-10:003, starting at Kaiwi state scenic shoreline, and terminating at eastern access road ingress and egress for Sandy beach park, trending southerly to the shoreline; and
- (3) (1)3-9-15:020.

The following tax map key members, which are located within the Kaiwi state scenic shoreline, shall be designated as a state park under the name "Kaiwi coast state park":

- (1) (1)3-9-11:002; and
- (2) (1)3-9-11:007.

## **Testimony before House WAL**

### **Regarding SB2977 SD2 Relating to the Kaiwi Coast Tuesday March 15, 2022**

#### **Submitted by William Reese Liggett**

I strongly support SB2799 SD2. Here is my rationale:

This Bill would transfer the Wāwāmalu Beach section of the city's Sandy Beach Park to the state and establish The Kaiwi Coast State Park. The city has for decades allowed rampant vehicular abuse of this City recreational parkland and habitat for native animals and plants in spite of its city park designation. Although the city finally came around in 2021 and responded to citizen requests that it address its responsibility toward Wāwāmalu Beach by erecting a boulder barrier, it sure wasn't timely or easy.

Further:

1. The city does not have governmental leverage with SDOT to get the guardrails necessary to seal off entry from the highway to the natural features that are dunes with native vegetation and white-sand beach. And the barrier's combination of boulders and vegetation is too vulnerable to interruption or destruction and is not a long-term solution.
2. City DPR personnel have already indicated that responsive repairs should not be expected when the barriers are interrupted by acts of vandalism because of the high expense for DPR to rent the heavy equipment necessary (excavator and/or front loader).
3. DPR, despite repeated requests, still hasn't erected standard park signage and notices at the SW access area. Such signage is basic to users' understanding that motorized entry is not allowed, and such signage is also important for the police to be able to cite when enforcing Park rules of ROH Chapter 10.

Finally, the state has deeper resources and I believe that a single agency (the state) is a better solution than two agencies (state and city) for this homogeneous stretch of coastline that reaches from Kaiwi State Scenic Shoreline (Makapu'u) to the NE driveway entry to Sandy Beach Park. But it is critical that sufficient resources for management and enforcement remain a part of this Bill.

The Kaiwi Coast is a very special place—in fact it is one of only a few State Scenic Byways. And many citizens are hopeful that bringing Kaiwi Coast State Park into being will provide this undeveloped coast the utmost thoughtfulness and care by citizens and government that it deserves.