

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
OFFICE OF THE PUBLIC DEFENDER

ADMINISTRATIVE AND RESEARCH OFFICE
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 SENATE COMMITTEE ON WATER AND LAND
ON
SENATE BILL NO. 2799

February 7, 2022
1:00 p.m.
Room 229 and Videoconference

RELATING TO THE KAIWI COAST

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

Senate Bill No. 2799 transfers lands and establishes the Kaiwi Coast State Park; establishes three 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.

KO'OLAUA WAIALUA ALLIANCE



Feb 5, 2022

Aloha Chair and Committee Members,

The Ko'olau Waialua Alliance would like to express support for bill SB2799. The sensitive ecosystems along the Kaiwi coastline have been in dire need of increased protection for many years. Off roading, beach bonfires and other destructive uses of the area pose existential threats to populations of the rare and **endangered Hylaeus bees** (listed under the Endangered Species Act) and **native endemic plants**.

Mahalo for advancing this measure,

Angela Huntemer for the members of the Ko'olau Waialua Alliance.
808-224-3101

koolauwaialuaalliance@protonmail.com

The Ko'olau Waialua Alliance is a grassroots network of residents and community groups across Oahu's north and windward shores that believes that our health and well-being are woven together in the same

cloth, that problems affecting one community in the region threaten us all, and that works to foster a just and sustainable region for current and future generations.

Testimony before Senate Committee on Water and Land

Regarding SB2977 Relating to the Kaiwi Coast Monday, February 7, 2022

Submitted by William Reese Liggett

I strongly support SB2799. 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.

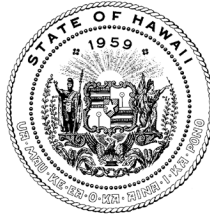
Further:

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.

DAVID Y. IGE
GOVERNOR OF
HAWAII



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
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CONSERVATION AND COASTAL LANDS
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FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

**Testimony of
SUZANNE D. CASE
Chairperson**

**Before the Senate Committee on
WATER AND LAND**

**Monday, February 7, 2022
1:00 PM**

State Capitol, Conference Room 229, Via Videoconference

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

Senate Bill 2799 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 appropriates 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 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 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.

Additionally, on page 3 of Senate Bill 2799, line 3 through 6 (b) says: “All land within or added to the Kaiwi coast state park shall be designated conservation land. Any land with differing designations shall have its designation automatically changed to conservations” It is the department’s understanding that this ability is the under the strict purview of the Land Use Commission, and questions whether or not this change can be automatically enabled through legislation.

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 insure adequate management capability, therefore, rather than an Interpretive Specialist, an Interpretive Technician would be more appropriate, and an additional General Laborer be included in the measure to augment the maintenance of the new land being considered. The Department supports future discussions 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.



2/7/2022

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

Dear Chair Inouye, Vice Chair Keith-Agaran, and Members of the Senate Committee on Water and Land,

Position: Support SB2799.

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, 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

DAVID Y. IGE
GOVERNOR OF
HAWAII



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

POST OFFICE BOX 621
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appropriate for designation as part of the State Park system in consultation with the stakeholders of the Kaiwi Coast Working Group.

Additionally, on page 3 of Senate Bill 2799, line 3 through 6 (b) says: “All land within or added to the Kaiwi coast state park shall be designated conservation land. Any land with differing designations shall have its designation automatically changed to conservations” It is the department’s understanding that this ability is the under the strict purview of the Land Use Commission, and questions whether or not this change can be automatically enabled through legislation.

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Thank you for the opportunity to comment on this measure.



*Dedicated to the conservation of coastal and marine environments,
emphasizing stewardship of the natural resources of Hanauma Bay*

To: Committee on Water and Land
Senator Lorraine R. Inouye, Chair
Senator Gilbert S.C. Keith-Agaran, Vice Chair

Date: Monday, February 7, 2022
Time: 1:00 pm
Place: Conference Room 229 & Videoconference

Re: **STRONG SUPPORT FOR SB2799 RELATING TO THE KAIWI COAST**

Aloha Chair Inouye, Vice Chair Keith-Agaran, and Committee Members,

Friends of Hanauma Bay stands in **strong support of SB2799 to establish a Kaiwi Coast State Park** for the benefit of current and future residents in perpetuity, and appropriate requisite funding for proper land and park management.

This spectacular area of Oahu continues to be a draw for tens of thousands of visitors every year, and will inevitably become a target for commercial interests and future development. Meanwhile, ongoing work needs to be done to control and eradicate invasive species, restore the Wawamalu dune system, and protecting endangered wildlife that frequent or live along the Kaiwi Coast.

The numerous community members and organizations that have fought for more than half a century to save this unparalleled natural resource have developed a synergistic relationship with DLNR's Division of State Parks, and SB2799 will ensure their collaborative hard work can continue in perpetuity.

Mahalo for the opportunity to testify in **STRONG SUPPORT FOR SB2799 that will save the beloved Kaiwi Coast for current and future generations.**

With Aloha,

Lisa Bishop
President
Friends of Hanauma Bay



SIERRA CLUB OF HAWAI'I

SENATE COMMITTEE ON WATER AND LAND

February 7, 2022 1:00 PM Conference Room 229

In SUPPORT of SB2799: Relating to the Kaiwi Coast

Aloha Chair Inouye, Vice Chair Keith-Agaran, and Members of the Water and Land Committee,

On behalf of our 20,000 members and supporters, the Sierra Club of Hawai'i **supports SB2799**, 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 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 12-13 be deleted.

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

Thank you very much for this opportunity to provide testimony.



Environmental Caucus of The Democratic Party of Hawai'i

Sunday, February 6, 2022

To: Senate Committee on Water and Land
Hon. Lorraine R. Inouye, Chair
Hon. Gilbert S.C. Keith-Agaran, Vice Chair

Re: SB 2799 relating to the Kaiwi Coast
Hearing: Monday, February 7, 2022, 1:00 p.m., Room 229 & videoconference

Position: Strong support

Aloha, Chair Inouye, Vice Chair Keith-Agaran, 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.

Melodie R. Adyja

Alan B. Burdick

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

Email: legislativepriorities@gmail.com

SB-2799

Submitted on: 2/6/2022 12:52:43 PM

Testimony for WTL on 2/7/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Cynthia Punihaole Kennedy	Individual	Support	No

Comments:

Aloha Chair Inouye, Vice Chair Keith-Agaran, and Committee Members,

I strongly support SB2799 to establish a Kaiwi Coast State Park. Please appropriate funding for proper land and park management.

LATE

SB-2799

Submitted on: 2/6/2022 1:04:52 PM

Testimony for WTL on 2/7/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Ted Bohlen	Testifying for Hawaii Reef and Ocean Coalition	Support	No

Comments:

To: Senator Lorraine R. Inouye, Chair, Senator Gilbert S.C. Keith-Agaran, Vice Chair, and members of the Senate Committee on Water and Land

Date: Monday, February 7, 2022, 1:00 pm

Place: Conference Room 229 & Videoconference

Re: STRONG SUPPORT FOR SB2799 RELATING TO THE KAIWI COAST

Aloha Chair Inouye, Vice Chair Keith-Agaran, and Committee Members,

The Hawaii Reef and Ocean Coalition strongly supports SB2799 to establish a Kaiwi Coast

State Park for the benefit of current and future residents in perpetuity, and appropriate

requisite funding for proper land and park management.

I and many members enjoy this spectacular area of Oahu! It will inevitably become a target for commercial interests and future development.

Meanwhile, ongoing work needs to be done to control and eradicate invasive species, restore the Wawamalu dune system, and protecting endangered wildlife that frequent or live along the Kaiwi Coast.

The numerous community members and organizations that have fought for more than half a century to save this unparalleled natural resource have developed a synergistic relationship with DLNR's Division of State Parks, and SB2799 will ensure their collaborative hard work can continue in perpetuity.

Mahalo for the opportunity to testify in **STRONG SUPPORT FOR SB2799** that will save the beloved Kaiwi Coast for current and future generations!

Hawaii Reef and Ocean Coalition (by Ted Bohlen)

LATE

TESTIMONY RE SB2799 RELATING TO KAIWI COASTLINE

I support the transfer of the Wawamalu Section of Sandy Beach Park from the C&C of Honolulu to the State of Hawaii, DLNR.

In the 1970s when I was an extension agent with Hawaii Sea Grant at the University of Hawaii, I worked with two botanists who were promoting the conservation of Hawaiian coastal native plants found around our islands. At that time, native coastal flora were already endangered by development and recreational uses, especially off-roading. At this time, there was little public awareness of how dozens of native species, many found only in Hawaii, were in danger of disappearing from our unique flora. Many people did not know that native coastal plants are part of our natural and cultural legacy—for lei-making, gardens, traditions, history, legends, place names, and landscape.

There were only a few remaining places in the state which provided habitat for endangered species such as ohai, kului, akoko, and naio. Since the 1970s many sites have disappeared, such as at Barber's Point, Oahu; other sites are threatened today with off-roading activity at places such as Polihale, Kauai. In the intervening 50 years or so, there has been some progress with protection of threatened coastlines. Kaena Point, Oahu, is the best example of a success story. Following the failed effort to construct a two-lane state highway around the point, complete closure was attained by creation of the Kaena Point State Park, and later, a Natural Area Reserve. In the 1970s, off-roading destroyed naupaka dunes and threatened several endemic coastal species found nowhere else on Earth; today, Kaena Point's native flora is thriving and other wildlife such as albatrosses and Hawaiian monk seals are returning.

The Wawamalu coastline is also recovering, at least in one section--the Kaiwi State Scenic Shoreline--protected by massive concrete and boulder barriers which effectively block off-roaders from running rampant in the vegetation and sandy beach. The adjacent Wawamalu Section of Sandy Beach Park also needs protection. This section, up until recently, suffered from decades of uncontrolled off-roading by trucks, ATVs, and motorcycles beating up the barely surviving naupaka-covered dunes and countless native flora. Compared to the adjacent State Scenic Shoreline, the diversity of native plants in this section of Sandy Beach is greatly diminished because the ecosystem is so badly damaged. The damage has been

largely reduced by strategic placement of boulders by the City DPR in the past year or so. However, a few defiant off-roaders are still able to move aside huge boulders so they can play in the dunes and run over native plants struggling to survive. Off-roading also threatens other beach users and fishermen who could be run over by trucks and other vehicles.

Placing the Wawamalu Section under DLNR's management would ensure management by one agency committed to protecting precious natural resources and educating the public about the area's historical, cultural and natural legacy. Also, the presence of DLNR's Division of Conservation and Resources Enforcement (DOCARE) could be brought to bear in eliminating off-roading activities in this sensitive environment.

For these reasons, I urge the committee to pass SB2799 to protect the irreplaceable natural, cultural, and historic resources of this section of coastline for this and future generations. It is at least 50 years overdue.

Mahalo,

Ray Tabata
Retired, University of Hawaii

LATE

SB-2799

Submitted on: 2/6/2022 10:01:57 PM
Testimony for WTL on 2/7/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Michael Ching, MD, MPH	Individual	Support	No

Comments:

Dear Chair Inouye, Vice Chair Keith-Agaran, and Members of the Committee on Water and Land:

I am a lifelong resident of Hawaii Kai and am raising my family in this community. I often enjoy a meditative, peaceful early morning run on the trails between Wawamalu and the Makapuu Lighthouse Hike. My wife enjoys swimming in the inlets of this area. My children enjoy searching the tidepools along the coast and were delighted to meet a monk seal sunning itself along the beach (under the watchful eye of the volunteer seal protection team). We bring out of town visitors here when the mountain trails are too muddy or rainy to hike. This coast is the place where many residents watch the first sunrise of each new year (as do I). This precious natural space is the closest expanse of beauty to town, and we support its preservation as a state park. Please pass this bill to preserve this very special place for families like mine forever.

Aloha,

Michael S.L. Ching

LATE

SB-2799

Submitted on: 2/6/2022 10:38:40 PM

Testimony for WTL on 2/7/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Levani	Individual	Support	No

Comments:

Dear Senator Inouye, Senator Dela Cruz, and Senator Keith-Agaran,

I am testifying in support of SB2799 to protect Kaiwi Coast by ensuring that the lands are designated conservation. The Kaiwi Coast is one of the most precious gems that we have on the island of Oahu. Some years ago, I worked with community members on a campaign to protect the Kaiwi Mauka lands from being developed. We need to keep this land pristine and in its natural state. There should be no development. The Kaiwi Coast state park should serve to educate the public on the importance of preserving open space and designating natural habitats under conservation. There should be funding allocated for sustained enforcement to protect the 'aina for the public, future generations and natural wildlife.

Thank you for your consideration and for the opportunity to submit testimony.

Sincerely,

Levani Lipton

LATE

SB-2799

Submitted on: 2/6/2022 11:11:41 PM

Testimony for WTL on 2/7/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Kimeona Kane	Individual	Support	No

Comments:

Aloha nui kākou,

Kimeona Kane a lifelong resident of Waimānalo here in support of this bill. The Ka'iwi Coastline, similar to many other areas need our continued attention, and protection. While the intent of the bill speaks to the preservation of the areas noted, I want to reemphasize that these areas are prone to misuse and invasive species which are already heavily impacting the area. As someone who is personally invested in the area from a cultural perspective as well as someone who provides weekly cultural stewardship opportunities in the area for the public, I believe this bill holds the best possible outcomes for the conservation and preservation of these spaces, plants and animals. Additionally there are very important cultural sites that need protection in and near the area and I hope that this may expand to those areas as well. Consolidation under one Department is great and the long term funding is absolutely necessary to continue working towards the best possible future for the area. There should also be an updated site study/review/eis etc provided with this funding.

Mahalo nui,

Kimeona Kane