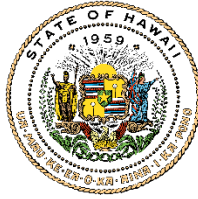


JOSH GREEN, M.D.
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SYLVIA LUKE
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FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

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 13, HOUSE DRAFT 2
AUTHORIZING THE ISSUANCE OF A TERM, NON-EXCLUSIVE
EASEMENT COVERING A PORTION OF STATE SUBMERGED LANDS
AT HAULA, KOOLAULO, OAHU FOR THE EXISTING RIPRAP
REVTMENT, RAMP, AND ROCK GROIN, AND FOR USE, REPAIR, AND
MAINTENANCE OF THE EXISTING IMPROVEMENTS CONSTRUCTED THEREON.**

House Concurrent Resolution 13, House Draft 2, is an Administration Package measure that requests Legislative approval for a term, non-exclusive easement covering approximately 2,297 square feet of State submerged lands located seaward of the property identified as Tax Map Key: (1) 5-3-008:012, at Hau'ula, Ko'olauloa, O'ahu, for the existing riprap revetment, ramp, and rock groin present on the site. **The Department of Land and Natural Resources (Department) supports this Concurrent Resolution.**

According to historical maps, the riprap revetment on the subject property was originally placed in 1947, while the property was under ownership of Bishop Estate. In 1961, the revetment wall and groins were repaired and improved by a contractor engaged by Bishop Estate. Subsequent shoreline certifications conducted in 1983 and 1985 delineated the shoreline mauka of the revetment, thus placing it within the Coastal Management Zone and on State lands due to natural shoreline erosion processes.

The applicants, Steven Ernest MacBride and Valerie Jean MacBride, trustees of the Steven and Valerie McBride Revocable Trust dated October 30, 2018, purchased the private property that abuts the subject shoreline encroachments in 2017 and began the process of resolving the

encroachments with the Department through a land disposition. The Board of Land and Natural Resources (Board) approved the easement at its meeting on August 26, 2022, under agenda item D-5. The property owners have executed a removal bond in the amount of \$79,860 to insure the State against the cost of removing the encroachments in the event that the Legislature and Governor do not approve the requested easement. The property owners have additionally been paying monthly rent in the amount of \$306 and have provided liability insurance for the proposed easement area continually since the time of Board approval. If the Legislature approves the easement, the next steps would be to survey the final easement area and appraise the fair market value of the term, non-exclusive easement, which the current owners shall be required to pay to the State as consideration for use of public lands.

The Office of Conservation and Coastal Lands (OCCL) has supported and continues to support the disposition of the subject land by easement in order to resolve the encroachment. The encroachment sits on a sandy beach where its top surface is fully exposed during low tide and partially submerged during high tide. The rock groin is used by members of the public, including children, for fishing and exploration of marine life with goggles, glass boxes, and small scoop nets. In its submission to the Board in the easement application process, OCCL found that allowing the encroachment to remain in place may mitigate the effects of expected sea level rise in the area. Further, OCCL found that removal of the encroachment may lead to further erosion of both the subject property and neighboring properties, may cause landscaping and sediment material to leach into marine waters, and would affect the marine life such as rock crabs, coral, small fish and eels, sea urchins, and sea cucumbers that have colonized the rock revetment and groin.

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

HCR-13-HD-2

Submitted on: 4/10/2024 1:44:51 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 HCR13 HD2 as backup.