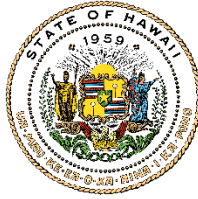


JOSH GREEN, M.D.
GOVERNOR | KE KIA'ĀINA

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

DAWN N.S. CHANG
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE
MANAGEMENT

RYAN K.P. KANAKA'OLE
FIRST DEPUTY

DEAN D. UYENO
ACTING 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
KAHOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

**Testimony of
DAWN N.S. CHANG
Chairperson**

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

**Tuesday, March 19, 2024
9:30 AM**

State Capitol, Conference Room 430, Via Videoconference

**In consideration of
HOUSE CONCURRENT RESOLUTION 22
AUTHORIZING THE ISSUANCE OF A TERM, NON-EXCLUSIVE
EASEMENT COVERING A PORTION OF STATE
SUBMERGED LANDS AT WAIKIKI, HONOLULU, OAHU, FOR
CONSTRUCTION, USE, REPAIR, AND MAINTENANCE OF STEPS.**

House Concurrent Resolution 22 requests Legislative approval for a term, non-exclusive easement covering approximately 26.5 square feet of State submerged lands located seaward of the property identified as Tax Map Key: (1) 3-1-039:065, at Waikīkī, O'ahu, for the reconstruction of concrete steps leading from an existing seawall to the beach fronting the site. **The Department of Land and Natural Resources (Department) supports this Concurrent Resolution.¹**

The structure permitted by this measure is a set of concrete steps that will be constructed to replace a now-removed set of steps leading from private property owned by HTH DH Ventures to Cromwell's Beach, near Diamond Head. The previously-existing steps were removed because of their deteriorated condition. The new construction will consist of a direct replacement with the same location, alignment, configuration, and footprint as the previously-existing steps. The seawall to which the steps are attached is located entirely within the boundaries of the private property that abuts the State land and is not, in itself, an encroachment. The seawall and original steps have been in place since before Statehood and the location containing the steps is subject to an access easement originally established by order of the Territorial Land Court, pursuant to Land

¹ Please note that this measure is not included in the Administration Package.

Court Application 664, on April 17, 1957, and was recorded on the Land Court's Certificate of Title 58089. The new construction will result in no increase to area of the previously-existing, authorized encroachment.

The Office of Conservation and Coastal Lands (OCCL) issued Site Plan Approval (SPA) OA-23-53 for reconstruction of the concrete steps on May 4, 2023. OCCL found that reconstruction of the steps is considered an identified land use within the Conservation District Resource Subzone pursuant to Section 13-5-22, Hawaii Administrative Rules (HAR). OCCL further found that the proposed project is minor in scope and, in accordance with Section 11-200.1-15, HAR, and the Exemption Lost for the Department reviewed and concurred on by the Environmental Council on November 10, 2020, is exempt from the preparation of an Environmental Assessment. Finally, OCCL found that there are no known historic resources at the site, the proposed reconstruction would not interfere with public beach access, and all work will be performed with no additional ground disturbance makai of the shoreline.

The Board approved issuance of this easement at its meeting on October 13, 2023, under Agenda Item D-14. At the request of HTH DH Ventures, the Board did not authorize any interim disposition pending Legislative and Gubernatorial approval of the easement. Therefore, no construction has yet commenced and no structure is currently present at the relevant site. If the Legislature and the Governor do approve the requested easement, the property owners will pay for an appraisal of the fair market value of the easement and then purchase the easement for the appraised fair market price.

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