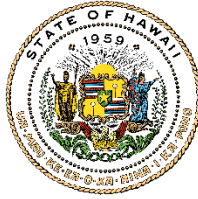


JOSH GREEN, M.D.  
GOVERNOR | KE KIA'ĀINA

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  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

Testimony of  
DANW N.S. CHANG  
Chairperson

Before the House Committee on  
WATER & LAND

Tuesday, March 19, 2024  
9:30 AM

State Capitol, Conference Room 415, Via Videoconference

In consideration of  
HOUSE CONCURRENT RESOLUTION 10  
AUTHORIZING THE ISSUANCE OF A TERM, NON-EXCLUSIVE EASEMENT  
COVERING A PORTION OF STATE SUBMERGED LANDS AT KANEOHE,  
KOOLAUPOKO, OAHU FOR THE EXISTING BOAT RAMP AND CONCRETE WALL,  
AND FOR USE, REPAIR, AND MAINTENANCE OF THE EXISTING  
IMPROVEMENTS CONSTRUCTED THEREON.

House Concurrent Resolution 10 is an Administration Package measure that requests Legislative approval for a term, non-exclusive easement covering approximately 319 square feet of State submerged lands located seaward of the property identified as Tax Map Key: (1) 4-5-047:051, at Kāne'ōhe, Ko'olaupoko, O'ahu, for the existing boat ramp and seawall present on the site. **The Department of Land and Natural Resources (Department) supports this Concurrent Resolution.**

The encroachment at issue consists of three elements: a concrete boat ramp of approximately 147 square feet, a submerged concrete wall of approximately 169 square feet, and a portion of another wall of approximately 3 square feet. The final easement area is subject to review and approval by the Department of Accounting and General Services' Land Survey Division (DAGS Survey). According to historical aerial images provided to the Department, all three elements are part of a larger seawall that has been in place since at least 1967. The residential properties surrounding the property at issue are also bordered on the makai side with similar seawalls and ramps.

The current owner, James Michael Elhoff/ Michael Elhoff Living Trust, purchased the private property that abuts the subject shoreline encroachment in 2021. Previous owners of the private

properties did not pursue normalization of the encroachment with the Department. The encroachments were noted in the course of a shoreline certification process and the private property owner requested a land disposition to resolve the encroachment.

The Board of Land and Natural Resources approved the grant of a term, non-exclusive easement, right-of-entry permit, and revocable permit for the encroachment at its meeting on August 26, 2022, under Agenda Item D-4. The shoreline for the property was certified by the Department as of May 15, 2023, and the private property owner has obtained a survey map of the easement area and has submitted the map to the Department. If the Legislature approves the easement, the next steps would be review and approval of the survey map by DAGS Survey and appraisal of the fair market value of the term, non-exclusive easement, which the private property owner shall be required to pay to the State as consideration for use of public lands. The appraisal will be procured by the Department and paid for by the private property owner.

The Office of Conservation and Coastal Lands (OCCL) has supported and continues to support the disposition of the subject land by easement to resolve the encroachment. In the context of the easement application process, the OCCL stated in a letter dated March 3, 2022, that the impact of the encroachment is negligible and removal of the encroachment is not recommended because removal is likely to compromise the integrity of the total seawall, which serves as primary erosion control for the subject private property as well as the properties that neighbor it on each side. OCCL noted that the encroachments do not negatively affect beach or shoreline access in the area because there is no sandy beach present and the land is constantly submerged. According to OCCL, removal of the encroachment would not improve public access in the area.

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

**HCR-10**

Submitted on: 3/17/2024 10:26:44 PM

Testimony for WAL on 3/19/2024 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Michael Elhoff	Individual	Support	Remotely Via Zoom

Comments:

Aloha, I am the homeowner at 45-221 Ka Hanahou Circle and seeking easements on my shoreline that were built when the property and neighborhood were developed in the early 1950s. None of the previous owners had resolved these easements and I have taken on the task of finally seeking to make them right by the State. They include a boat ramp and some portions of the rock seawall that slightly protrude into State waters (Kaneohe Bay). I have submitted for review and received confirmation from Dept. of Conservation and Coastal Lands that removing the structures would likely cause more damage than leaving them and that they pose no negative issues to neighbors or the environment. Over the past 70 years they have become integral to the surrounding marine life, with fish, coral, turtles and eels residing around them. I am committed to maintaining them in a safe and maintained condition. Mahalo nui for your support.

**HCR-10**

Submitted on: 3/18/2024 5:21:11 AM

Testimony for WAL on 3/19/2024 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Kyle Kodama	Individual	Support	Written Testimony Only

Comments:

