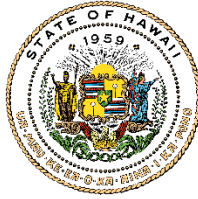


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HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

**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 415, Via Videoconference

**In consideration of
HOUSE CONCURRENT RESOLUTION 11
AUTHORIZING THE ISSUANCE OF A TERM, NON-EXCLUSIVE
EASEMENT COVERING A PORTION OF STATE SUBMERGED LANDS
AT WAIALAE-IKI, HONOLULU, OAHU FOR THE EXISTING
REVTMENT, AND FOR USE, REPAIR, AND MAINTENANCE OF THE
EXISTING IMPROVEMENTS CONSTRUCTED THEREON.**

House Concurrent Resolution 11 is an Administration Package measure that requests Legislative approval for a term, non-exclusive easement covering approximately 2,894 square feet of State submerged lands located seaward of the property identified as Tax Map Key: (1) 3-5-058:011, at Wai'ālae-Iki, Honolulu, O'ahu, for the existing rock revetment present on the site. **The Department of Land and Natural Resources (Department) supports this Concurrent Resolution.**

The encroachment at issue is a rock revetment, largely buried in sand, located makai of a seawall at the boundary of the private property. Departmental records reveal that the revetment at issue is a part of a larger shoreline protection structure that was constructed across 15 consecutive shoreline parcels in 1964 by Bishop Estate, the original developer of the Kai Nani subdivision. Records show that Bishop Estate obtained a permit for the structure from the Department of Transportation and requested an easement for the structure and right-of-entry permit to perform construction activities on State shoreline land from the Department of Land and Natural Resources. A letter from the Division of Land Management (the precursor to the Department's current Land Division) to Bishop Estate dated October 1, 1964, indicates that the Board of Land and Natural Resources (Board) approved the construction right-of-entry at its meeting on April 10, 1964, and stated that

the Department was processing the sale of an easement for the structure. For reasons that are unknown to current Department staff, that easement sale was never completed or recorded. Therefore, subsequent property owners are required to apply individually to the Board for easement dispositions to normalize the portions of the structure that abut their private properties.

The Board approved the issuance of an easement to the current property owner at its meeting on April 14, 2023, under Agenda Item D-5. The Office of Conservation and Coastal Lands (OCCL) supported and continues to support this easement disposition. OCCL found that the narrow sandy beach fronting the revetment shows signs of long-term stability and seems to have equilibrated to the current environmental conditions since the 1964 construction of the revetment. OCCL further found that “removing the revetment entirely could disrupt the equilibrated state of the subject beach and have a negative effect” and “may create a significant erosion event . . . possibly resulting in beach loss as the beach returns to equilibrium.” OCCL also noted that there is a narrow beach walkway that allows for lateral public access, although the beach is usually wet and submerged at high tide.

The Department supports this Concurrent Resolution, which represents the completion of a land disposition process that was initially approved by the Board 60 years ago.

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