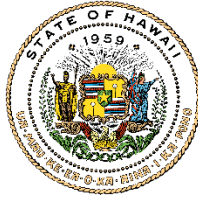
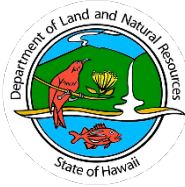


JOSH GREEN, M.D.
GOVERNOR | KE KIA'ĀINA

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**

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COMMISSION ON WATER RESOURCE
MANAGEMENT
CONSERVATION AND COASTAL LANDS
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ENFORCEMENT
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FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

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

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

**Friday, March 7, 2025
1:00 PM**

State Capitol, Conference Room 229, Via Videoconference

**In consideration of
SENATE CONCURRENT RESOLUTION 4
AUTHORIZING THE ISSUANCE OF A TWENTY-FIVE YEAR TERM, NON-
EXCLUSIVE EASEMENT COVERING A PORTION OF STATE
SUBMERGED LANDS AT KIKIAOLA, KEKAHA, KAUAI, FOR A SHORELINE
PROTECTION STRUCTURE, AND FOR THE USE, REPAIR, AND
MAINTENANCE OF THE IMPROVEMENTS CONSTRUCTED THEREON.**

Senate Concurrent Resolution 4 is an Administration measure that requests Legislative approval for a twenty-five-year term, non-exclusive easement covering approximately 2,366.18 square feet of State submerged lands located seaward of the property identified as Tax Map Key: (4) 1-2-013:031, at Kikiaola, Kekaha, Kauai, for the shoreline protection structure at the site. **The Department of Land and Natural Resources (Department) supports this Concurrent Resolution.**

The structure subject to this measure consists of geotextile bags located on State submerged lands along the erosion scarp abutting the makai boundary of the private, residential property identified as Tax Map Key: (4) 1-2-013:031. The erosion structure was originally installed pursuant to Emergency Conservation District Use Permit KA-14-03, approved by the Office of Conservation and Coastal Lands for a five-year term commencing July 16, 2013, at gratis consideration. Later in the same year, the Board of Land and Natural Resources (Board) approved a corresponding Right of Entry permit for the erosion control structure, which also included a gratis rental amount. This Right of Entry permit was necessary to bring the structure into compliance with State law because the structure constitutes an encroachment onto State shoreline lands. The Board also granted its Chairperson the right to renew the Right of Entry permit. Subsequently, the Office of

Conservation and Coastal Lands approved the extension of the Emergency Conservation District Use Permit until mid-2023, and the Chairperson approved annual extensions of the Right of Entry permit for the same period. Both permits continued for the entirety of this ten-year period under their original terms which included gratis cost.

In 2023, the property owners applied to the Department to once again renew the Emergency Conservation District Use Permit and Right of Entry permit. At this time, Land Division staff determined that, in light of evolving Departmental policy regarding emergency permits, the property owners' long-term use of State shoreline land for the benefit of their private property, and the low likelihood that the shoreline structure would be removed in the foreseeable future, it was appropriate to discontinue serial renewals of the Emergency Conservation District Use Permit and Right of Entry permit and instead offer the private property owners the same type of shoreline easement disposition that applies to all other similarly situated encroachments on State land, with terms that include provision of liability insurance, payment of monthly rent, and, upon approval of the easement by the Legislature and the Governor, purchase of a twenty-five year, non-exclusive easement at its appraised value. The Board approved this easement disposition at its meeting on September 22, 2023, under Agenda Item D-3.

Pursuant to the Board's approval, the property owners are paying monthly rent in the amount of \$101.00 for the proposed easement area and are providing liability insurance. The property owners have also posted a removal bond in the amount of \$44,855.00 to insure the State against the cost of removing the encroachment in the event that the Legislature and the Governor do not approve the issuance of the requested easement. If the Legislature and the Governor 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.

SCR-4

Submitted on: 3/6/2025 9:31:10 AM

Testimony for WTL on 3/7/2025 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Russell Tsuji	Testifying for Department of Land and Natural Resources	Support	Remotely Via Zoom

Comments:

DLNR testmiony was previously submitted on main testimony account. Request for a zoom link for additional staff to provide backup at the hearing.

SCR-4

Submitted on: 3/4/2025 5:08:45 PM

Testimony for WTL on 3/7/2025 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Graham Chelius	Individual	Support	Remotely Via Zoom

Comments:

We are writing in support of Senate Concurrent Resolution 4 approving an easement for the existing geotextile sandbags protecting my home from falling under the ocean.

The situation concerning this easement is unique. This is not about climate change and sea level rise. This about sand killing the Kikiaola Harbor.

For fifty years and after more than a dozen studies, the State of Hawaii is fully aware that the design of the Kikiaola harbor blocks sand from flowing from east to west. The sand builds up on the east side, and now is gradually filling the harbor, eventually destroying it. The harbor prevents such stranded sand from replenishing the beaches west of the harbor resulting in severe erosion.

The State of Hawaii in numerous official communications between the OCCL, DOBOR, and the Board of Land and Natural Resources has acknowledged that managing the sand buildup and erosion is critical to the future of the harbor.

The State has funded two sand bypasses, and has budgeted but not initiated a third.

We own a home just west of the Kikiaola Harbor and have stabilized the erosion with an erosion mitigation project, and have been faithfully applying for permits and complying with the stipulations in the permits.

We now, due to changes in policy, need to have an easement approved by the Legislature to continue to use this system to protect our home from erosion caused by the Kikiaola Harbor.

Please approve this concurrent resolution for the easement.

The Harbor is an important economic engine for the west side communities of Kauai even though its design has serious flaws and unintended side effects on neighboring properties. The sand bypasses really help, but with state funding variable over years, there may be times, such as the current period, when there are many years between sand bypass projects. These lean years result in severe erosion returning, and threatening our home.

The most comprehensive and recent study was in 2008, and recommended moving 80,000 yards and then annual sand-bypasses of 6000 yards a year. Based on this study we are over 100,000 yards of sand behind schedule even after the two bypass projects.

OCCL, DOBOR and the Board of Land and Natural Resources have agreed that this easement is a fair solution to the erosion problem caused by the Kikiaola State Harbor.

Thanks for helping us keep our home.

Graham and Marisa Chelius