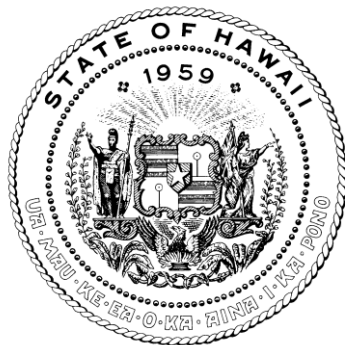


**REPORT TO THE TWENTY-SIXTH LEGISLATURE
REGULAR SESSION OF 2012**

**URGING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO
DETERMINE WHETHER LANDS ALONG THE WAIPIO PENINSULA AND
WAIPAHAU SHORELINES ARE ACCRETED LANDS AND THEREFORE
STATE PROPERTY FOR PROSPECTIVE USE AS A STATE PARK.**



Prepared by

THE STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

In response to House Concurrent Resolution 85, House Draft 1 (2011)

Honolulu, Hawaii
November 2011

URGING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO DETERMINE WHETHER LANDS ALONG THE WAIPIO PENINSULA AND WAIPAHAU SHORELINES ARE ACCRETED LANDS AND THEREFORE STATE PROPERTY FOR PROSPECTIVE USE AS A STATE PARK.

House Concurrent Resolution (HCR) 85, House Draft 1, adopted during the 2011 Legislative Session, requests the Department of Land and Natural Resources (Department) to investigate whether undetermined properties along the Waipio Peninsula and Waipahu shorelines are potentially accreted and therefore qualify as State owned – with a secondary Legislative intent of determining whether the land has values as a prospective State Park.

The Department's Division of State Parks has consulted with staff from the Department's Office of Conservation and Coastal Lands and Land Division to ascertain the general process to determine accreted land and qualifications as land owned by the State. Also, the Division of State Parks did a rapid site visit and evaluation to ascertain the nature of the proposed area's potential value as future park land.

This report generally outlines: 1) The process by which land may be determined to be accreted; 2) The results of the site evaluation, and 3) Recommendations.

1. Accretion Evaluation Methodologies

A. Map and Historic Research

This method requires an accurate research on the ownership history for the adjacent parcels to determine if the adjacent parcel owners have a legal claim to the subject land. This may be evident from the type of makai boundary (metes and bounds, physical feature, ma ke kai, etc.). Evaluation will require consultation and determination from the Department of the Attorney General on the disposition. Research includes the survey history for the area, identifying historic shorelines that have been part of land surveys using United States Geologic Survey Topographic Sheets for the islands dating back to the early 1900's. These topographic sheets usually identify a shoreline feature. In conjunction, this would include review of aerial photographs of the area to locate where the shoreline and vegetation were for the past 80 or so years. This methodology requirement exceeds current staffing for in-house research and would therefore require hiring a research consultant.

B. General Field Analysis

Typically borings and core samples are the method employed to determine age of accreted material. There would be a need to collect numerous cores samples on a grid pattern to assess the area. A trained biologist could then pick through the cores and identify the strata that showed change from marine to terrigenous environment and then date those strata. Note that radiocarbon dating can have errors of plus or minus 30 years. This action would have to be contracted and would likely also be costly and time consuming. The area in question would be subjected to considerable ground disturbance.

2. Site Evaluation

On September 30, 2011, staff from the Division of State Parks went to perform a rapid assessment of access and conditions of a portion of the site. Staff gained access to the shoreline from the City and County of Honolulu Waipio Peninsula Regional Park Soccer Complex, – the most readily accessible location identified as public, and then investigated various locations along the peninsula further makai.

Preliminary observation of the shoreline topography and vegetation in this location is challenging. The vegetation consisted of a tangled and dense proliferation of mangrove forest in the tidal wash areas, mixed with and transitioning to hale koa and hau bush and other grasses and exotic vegetation types in the transition to the fast land. This condition makes physical assessment of the actual ground itself difficult. Staff did not visit the area above West Loch along the Waipahu shoreline section that is also presumed to be a portion of the potentially accreted land in question and under consideration as park.

The Department notes that there is a state park near this geographic section of Oahu, adjacent to East Loch of Pearl Harbor, the six acre Aiea Bay State Recreation Area. There is, in addition to the heavily used and successful 233 acre Waipio Peninsula Regional Park Soccer Complex, also the 269 acre Patsy T. Mink Central Oahu Regional Park, and the smaller, less intensive use Waipahu Cultural Garden Park, Waipahu District Park, Waipio Neighborhood Park, and West Loch Shoreline Park. In addition, the subject area is adjacent to the Pouhala Marsh Wildlife Sanctuary

3. Recommendations

Due to significant departmental staff and budget constraints, pre-existing project commitments and the current lack of quality management capacity for existing state parks, the Department has not yet undertaken the potentially costly and/or staff consuming process to legally ascertain if this portion of the Waipio Peninsula and Waipahu shoreline is accreted land and therefore State owned, or if it is privately held by the adjacent property owners.

In addition, but of paramount significance - the Department's Division of State Parks is not currently staffed or funded at a level that allows for, in relation to the subject area, the preparation of master planning and related environmental impact studies, county Special Management Area and other various and sundry permits, design, construction and then perpetual staffing and management of additional park land.

The Department suggests, in order to insure accuracy and cost efficient government planning for the current and future needs of the community, that the legislative sponsors of the HCS schedule a site visit during 2012 Legislative Session with members of the Department, City and County of Honolulu, and if needed, the United States Navy – to physically investigate the actual location(s) that is the subject of the HCR, and to then discuss what the potential community needs are relating to type and theme of a new park, and whether the subject land does in fact meet those needs based on location, current access, physical conditions and associated costs of development and sustained management.

The Department supports and would participate in a site visit to engage in meaningful discussion on the current and future recreational needs of the Ewa, Kapolei and Waipahu community, if the subject property has the suitable potential to meet those needs, and if the United States Navy has any concerns or restrictions regarding the further development of public access and recreational use along the shoreline and near-shore waters in this area.