



Testimony Presented Before the  
**HAWAII BOARD OF LAND AND NATURAL RESOURCES**  
**Friday, July 9, 2021**  
**9:00 a.m.**  
(via videoconference)

By Patti Cadiz, Vice President  
Hawaii Shore and Beach Preservation Association

In consideration of a  
ITEM K2  
Conservation District Use Application (CDUA)  
for the  
Programmatic Small-Scale Beach Restoration Program (SSBR)

The Hawaii Shore and Beach Preservation Association (HSBPA) **strongly supports** the proposed Conservation District Use Application (CDUA) by the Office of Conservation and Coastal Lands (OCCL) requesting that the Department of Land and Natural Resources (DLNR) re-authorize the Small Scale Beach Nourishment (SSBN) program and implement a streamlined and coordinated regulatory process. The OCCL proposes that the DLNR re-authorize, revise, and extend the SSBN program to create a Small Scale Beach Restoration (SSBR) program.

The SSBR program will provide a streamlined permitting process for beach and coastal erosion control projects. Beach restoration projects with properly planned and executed nourishment programs will assist in managing erosion threats to beachfront property and infrastructure, reduce impacts associated with climate change and sea level rise, and increase overall coastal resilience. Properly designed beach restoration projects can have many other benefits within the broader coastal environment such as ensuring the continued provision of habitat for various threatened and endangered species, protecting cultural sites and burials in the backshore, and improving water quality by providing a natural buffer between waves and exposed soil deposits and on-site sewage disposal systems along eroded shorelines. The SSBR program will enable small-scale beach restoration projects to be implemented by private and government applicants.

The Department of Land and Natural Resources (DLNR) through its Office of Conservation and Coastal Lands recently completed a statewide programmatic environmental assessment (PEA) for small scale beach restoration (SSBR) projects.

The PEA, intended to update the Department's permitting programs, provides best management practices including sand and water quality monitoring guidelines based on best-available science and environmentally sound engineering practices. The DLNR's PEA for the SSBR program identifies potential environmental impacts and water quality concerns related to sediment management to ensure projects authorized under the SSBR are conducted with adequate environmental controls to ensure that state nearshore water quality standards are upheld.

The Hawai'i Shore and Beach Preservation Association (HSBPA) held a Beach Restoration Workshop November 24, 2014 with association members and a range of local stakeholders to identify the needs, opportunities, and challenges associated with beach maintenance and beach management in the State of Hawai'i. The HSBPA identified beach restoration as an economically and environmentally viable alternative for managing Hawai'i's eroding beaches for the purposes of environmental conservation and mitigation of coastal hazards. The workshop determined that the permitting process for beach maintenance and restoration is presently time-consuming and cost-prohibitive for many projects in Hawai'i. Therefore, the primary recommendation identified during the workshop was that the permitting process for beach restoration projects needs to be streamlined if conservation of the state's shorelines is going to be a priority for the environment, hazard mitigation, and the economy.

The HSBPA determined that the permitting process for beach restoration projects in Hawai'i is inefficient, onerous, time-consuming, and costly, particularly in regards to the Clean Water Act 401 Water Quality Certifications (lack of responsiveness, limited guidance). The HSBPA recommended that improvements are needed to the permitting process for State 401 Water Quality Certifications, including guarantees of reasonable permit acceptance and processing times and improved guidance from department staff on completing applications. With the creation of the SSBR Program, this barrier will be removed and the recommendation can be implemented by the DLNR as Senate Bill 367 SD2 HSD2 CD1 (expected to become law) amends Hawai'i Revised Statutes (HRS) Chapter 342D-6 to waive the requirement to obtain a Section 401 Water Quality Certification for SSBR projects authorized by the DLNR; the SSBR PEA provides clear Best Management Practices (BMPs) for sand and includes water quality monitoring guidelines based on best-available science and environmentally sound engineering practices.

Although the HSBPA determined that more information is needed related to environmental impacts of sedimentation on coral and benthic habitats, it was recommended that existing native beach sand should not be considered a pollutant if used on the same beach for restoration or sediment management projects. The SSBR PEA evaluated the effects of sediment on coral and benthic habitats and included (BMPs) to avoid, minimize, and mitigate these effects. For example, the scope of SSBR projects is limited such that the equilibrium toe of the restored beach remains within the historical extent of the beach; the SSBR program was designed to manage, maintain, and restore beaches - not create new beaches. For example, beach restoration activities included within the SSBR Program are generally confined to a littoral cell to

promote sustainable management based on understanding localized sediment sources, transport paths, and sinks, as well as natural and anthropogenic drivers of change.

The streamlined permitting process for Small Scale Beach Nourishment projects administered by the DLNR under a state programmatic agreement expired in 2010 restricting beach restoration projects from placing sand below the high water line without 404 and 401 authorizations. As such, the HSBPA recommended reestablishing a state programmatic agreement and streamlined permitting process for small scale beach restoration projects. The SSBR program effectively meets this requirement and seeks to obtain a Regional General Permit from the USACE to streamline the federal permitting process. See Section 1.2.3, Section 2.2.5, and Section 7.2 of the SSBR PEA for details.

The HSBPA determined that some monitoring requirements are unreasonable and overly burdensome (i.e. cost prohibitive) for beach restoration projects and other states appear to be less prohibitive about moving existing sand along a beach (e.g. stream mouth clearing, sand backpassing, and sediment management projects). The HSBPA recommended that reasonable standards and Best Management Practices be developed for beach restoration projects. The SSBR PEA clarifies that activities eligible for application under the SSBR program are limited to beach management, maintenance, and restoration activities that meet the criteria set forth in the PEA, thus excluding any activities that would cause significant negative impacts to environmental or cultural resources. Best management practices and other permit conditions were developed through the PEA process to minimize and avoid negative impacts to the extent that they can be permitted by the state under the program. For example, BMPs were developed to address general construction practices, public safety, cultural resources, air quality, noise, water quality, essential fish habitat, and threatened and endangered species; these BMPs include requirements to develop project-specific sediment QA/QC, turbidity control, construction QA/QC, project performance monitoring, and marine ecosystems monitoring plans.

\*The Hawaii Shore and Beach Preservation Association (HSBPA, <https://asbpa.org/hawaii/>), formed in 2014 is an organization of private sector, academic, and government professionals, students and local community members dedicated to the preservation and restoration of Hawaii's beaches and coastal environments. The HSBPA aims to bring together various members of the coastal community to foster dialogue and cooperation on beach and coastal resource conservation, management, and regulation; supporting professional development of chapter members; and providing education to students and community members on Hawaii's beaches and coastal environments.

All board and general members involved with the referenced project recused themselves from developing this letter.

Thank you for considering our testimony on the bill.



July 8, 2021

Hawaii Board of Land and Natural Resources

Testimony July 9, 2021 agenda item K.2

Conservation District Use Application SH-3877 (Applicant: DLNR) for A Programmatic Statewide Small Scale Beach Restoration (SSBR) Program Affecting Beaches of the Main Hawaiian Islands.

Aloha, on behalf of our organization, I offer the following testimony on this item of critical interest.

We have been leading the effort to support the tradition of our home land in place based resource management for generations. This Application thwarts these efforts in every way.

By publishing this action as a "statewide programmatic proposal", the Office of Conservation and Coastal Lands has, in fact, sidestepped the whole purpose of a Conservation District Use Application. We have a long and credible history of response and contribution to place based management in Hawaii, considering it our kuleana and the pono way to meet our purpose.

Labeling this proposal a "statewide" matter hid it from organizations like ours and the public. Furthermore, there was zero public outreach. We watch for our place names to identify issues of interest and we do not maha'oi in other places than the ones we know.

Our experience with "statewide" fishing rules has been the key motivating factor in the development of specific area moon and tide calendars to guide pono fishing. Because each place is so unique, there is only one way to address natural and cultural resource research and management, place by place. We were originating partners in the effort to establish the Ha'ena Community Based Subsistence Fishing Area for that reason. Statewide management is ineffective because it is wrong.

A programmatic CDUA to allow ANY alteration of our beaches is wrong. Each beach has its own features and concerns and must be addressed individually. This cannot be a discretionary policy. This must be done beach by beach. If this is too difficult for the State to manage, then communities should be supported and encouraged to create correct place based management such as in Ha'ena. Conservation District work cannot be left to the whims of private property owners or a State employee, director or otherwise.

Providing a path to shoreline manipulation is a path to disaster. We have examples of that in Ha'ena also. Unpermitted sandbags have negatively impacted the shoreline and resources for decades without effective enforcement.

Our beaches are a public trust and are worth our very best, not the least we can do.

Our organization stands ready always to guide and assist DLNR in place based management and there are many others throughout Hawaii nei.

As practitioner partners of Malama Kua'aina we strongly support the Petition for intervention and expect this Board to accept that Petition.

Me ka pono,  
Makaala Kaaumoana  
Vice Chair

Hui Ho'omalulu i ka 'Aina is a taro root organization founded in the early 1980's by traditional practitioners of moku Halele'a to address threats and impacts to the natural and cultural resources of Kaua'i. Founded by farmers and fishermen, weavers and hunters, we seek to provide context for issues related to the ecology of our moku. The organization is an active advocate for those native things and ways that are disappearing. We are not a nonprofit, we are an activist organization. We do not whine and wait, we act.



July 9, 2021

To: State of Hawai'i  
Department of Land and Natural Resources  
1151 Punchbowl Street  
Honolulu, Hawai'i 96813

**Re: BLNR Meeting 7-9-21, Agenda Item K-2; Concerns; Online via ZOOM,  
Livestream via YouTube**

Aloha Members of the Board of Land and Natural Resources,

My name is Kevin Chang, and I am the Executive Director of Kua'āina Ulu 'Auamo (KUA). Our full name means "grassroots growing through shared responsibility," our acronym KUA means backbone. KUA works to empower communities to improve their quality of life through caring for their environmental heritage together. We employ a community-driven approach that currently supports a network of more than 36 mālama 'āina (care for that which feeds) community groups collectively referred to as E Alu Pū (moving forward together), over 40 fishpond restoration projects and practitioners called the Hui Mālama Loko I'ā (HMLI; the group that cares for fishponds), and the Limu (seaweed) Hui made up of limu loea (experts) all from across the state.

KUA was founded by a hui of fishing and shoreline gathering practitioners who believe we can better govern and manage shoreline resources in partnership with the communities of place where the rights, practices, situated practical knowledge, responsibility, accountability and impact primarily lie. As climate change and sea level rise begin to reclaim portions of our shoreline our policies and practices will need to adapt. We appreciate our DLNR divisions work toward preparing our community for climate change and sea level rise. However, adaptive, and practical knowledge is often developed, refined and learned at the local level. Shorelines for the people we work with and for were not just resources for gathering (physically and for sustenance) but they were also sacred sites.

We are concerned that "statewide programs" overlook real local values and communities unless they expressly require consultation with Native Hawaiian and other community members as a critical and necessary means to assessing potential impacts to natural and cultural resources and associated cultural practices.

As economic indicators and the news report daily, many of Hawai'i's new residents come to invest in the short term, not to reside, especially on our shorelines. Their incentives to armor their shoreline investments may not always serve the public interest. Partnering and consulting should happen between private owners and government but also with the local people of the area.

Further, as science and the news continue to raise the stakes and battles on ever shortened timelines for climate impacts so have the conversations and value-based solutions especially around the erosion of our shorelines and the desire of people and investors to own homes that abut it. This program as currently written does not appear to address the growing number of solutions and relies on armoring as a sole response.



We believe we can develop systems, practices and mindsets that work better with our citizens especially its Native Hawaiian and rural residents who live further away from government and have to rely on their own self-sufficiency and governance to care for their places. Please consider the development of programs and practices that better work with the people of the area who will be most impacted.

Pūpūkahi i holomua e ho'okanaka  
(Let us unite to better the human condition)

Kevin K.J. Chang  
Executive-Director

Mālama Kua‘āina  
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July 7, 2021

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Board of Land and Natural Resources  
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Re: Agenda Item K-2  
Conservation District Use Application SH-3877 (Applicant: DLNR) for  
A Programmatic Statewide Small Scale Beach Restoration (SSBR) Program  
Affecting Beaches of the Main Hawaiian Islands.  
July 9, 2021 at 9:00 a.m.

### **Testimony in Opposition**

Aloha Chair Case and Board Members:

Mālama Kua‘āina (MKA) submits this testimony in **strong opposition** to DLNR’s Conservation District Use Application SH-3877 (CDUA), which seeks to reauthorize, revise and extend the Small Scale Beach Nourishment (SSBN) program that expired on April 25, 2010. MKA is a 501(c)(3) organization established in 2012 to provide information, education, advocacy, and legal resources relating to the natural environment and the preservation and protection of public trust resources on Kaua‘i. MKA is dedicated to the protection of Kaua‘i’s unique fragile natural resources. MKA’s primary work focuses on shoreline and public trust issues, such as beach protection and beach access, planning for coastal hazards, working on community resilience projects, and community and coastal advocacy. Our work includes the restoration of critical habitat for endangered species and protecting dunes and the near-shore marine environment for public use and enjoyment of Kaua‘i’s world-class resources. MKA is greatly concerned with the impacts the SSBN program will have on Kaua‘i’s northern coastline – including impacts to public trust resources and impacts on traditional and customary rights in the area. For the reasons discussed below, MKA respectfully requests that the Board deny DLNR’s CDUA.

### **Lack of Public Outreach and Community Input for the SSBN Proposal**

The Office of Conservation and Coastal Lands (OCCL) failed to include community stakeholders during the Environmental Assessment (EA) review process for the SSBN program proposal. The very communities that the SSBN proposal will impact the most were completely sidestepped during the planning and decision-making processes related to the proposal. This runs counter to State statute, regulation, and policy.

The Draft Environmental Assessment (DEA) for the SSBN proposal was noticed under the “Statewide” notices in the July 23, 2019 Environmental Notice publication. Even though organizations like MKA, Hui Maka‘āinana o Makana, Hui Ho‘omalua i ka ‘Āina, and Kua‘āina Ulu ‘Auamo, have been heavily involved in shoreline issues on Kaua‘i for decades – including working

closely with OCCL over the years – there was no notice, outreach, or request for early consultation made to any of our organizations regarding the SSBN proposal. In fact, there was no public outreach regarding the DEA at all. Of the four comments on the DEA that were received, three were from State and Federal agencies that had already been consulted during the environmental review process. By virtue of noticing the DEA as a “statewide” program and failing to seek public input, the DEA flew under the radar and escaped the watchful eye of the numerous community organizations across the State that have actively worked on shoreline issues – including MKA. The failure to engage the public during the EA process runs counter to the purpose and intent of Hawai‘i’s environmental review laws, which recognizes that through the environmental review process “environmental consciousness is enhanced, cooperation and coordination are encouraged, and **public participation during the review process benefits all parties involved and society as a whole.**” HRS § 343-1.

By completely side-stepping the community in the development of the SSBN program proposal, OCCL also failed to meet the objectives of Hawai‘i’s CZM program. An express objective of Hawai‘i’s Coastal Zone Management Program, HRS chapter 205A, is to “**improve the development review process, community, and public participation in the management of coastal resources and hazards**” and to “**stimulate public awareness, education, and participation in coastal management.**” The lack of any public outreach, awareness and education foreclosed the opportunity for the public to meaningfully participate in the management of our State’s coastal resources.

In 2015, the Hā‘ena Community Based Subsistence Fishing Area (CBSFA) was signed into law. HAR Title 13, DLNR, Subtitle 4 Fisheries, Part II Marine Fisheries Management Areas, Chapter 60.8. The Hā‘ena CBSFA is a package of rules that gives the Hā‘ena community the opportunity to protect its ocean resources based on traditional fisheries management practices. It was the first of its kind in the State of Hawai‘i and was the result of years of discussions and collaboration between the Hā‘ena community and various stakeholders, including the Department of Land and Natural Resources. The Hā‘ena CBSFA was a strong recognition that government cannot do it alone and community-based management and buy-in is critical to sustain natural resources now and for future generations. Toward that end, an express purpose of the Hā‘ena CBSFA is to “**facilitate the substantive involvement of the community in resource management decisions for the area through dialogue with community residents and resource users.**” HAR §13-60.8-1 (5). Despite the recognition that community input is key in making resource management decisions, there was no community outreach during the environmental review process for the SSBR program proposal.

### **Need for Community-Based Management**

The proposed SSBN program seeks to create a streamlined and simplified permitting process for obtaining approval to undertake small-scale beach restoration activities, which would allow for a wide range of common beach restoration activities to be authorized through a single program. According to the Final Environmental Assessment accepted for this proposal, the proposed project areas would include “coastal land areas, shoreline areas, and nearshore ocean

waters within the State of Hawai‘i,” including the Islands of Hawai‘i, Maui, Moloka‘i, Lāna‘i, O‘ahu and Kaua‘i. All existing and historical beaches will be eligible for application under this program and all small-scale beach restoration activities will occur within state waters and/or along the existing beaches of any of the main Hawaiian Islands. SSBR Programmatic EA *pages 26-29*. The SSBN program provides a list of activities, including beach management, maintenance, and restoration activities, that would be eligible under the program. A blanket programmatic approach for all the existing beaches of any of the main Hawaiian Islands completely ignores the unique characteristics, issues, and needs of the beaches across our State and improperly takes a one-size-fits-all approach to coastal management. While these activities may be appropriate in places like Waikiki, it does not work as a statewide policy, and it especially does not work for the invaluable beaches of Kaua‘i’s North Shore.

Hā‘ena Beach, for example, on Kaua‘i’s north shore is significant island-wide for its cultural, historical, religious and recreational resources. This area is extremely rich in natural resources and ecological significance. Hā‘ena has been identified as having a <sup>1</sup>"high statewide significance." The North Shore Special Planning Area is known for its unique physical, sociologic, and cultural characteristics. The North Shore is arguably one of the most scenic locations in the world. In visitor advertisements for Kaua‘i, it is predominately Hā‘ena’s gorgeous beaches and mountain backdrop that is marketed and romanticized with its “unspoiled” beaches and majestic mountains. The beauty and rural charm of the North Shore is heavily promoted due to our dramatic scenic views, steep sea cliffs, picturesque sandy beaches and bays, broad fringing reefs, streams and waterfalls, and deep verdant valleys. Today the pristine beaches and oceans that once provided subsistence for the Hawaiian people are surrounded by ultra-valuable real estate. Development along the beach is rising exponentially despite the fact that coastal infrastructure may be repeatedly subjected to high waves, flooding, coastal erosion, sea level rise, tsunamis, and hurricanes. Traditional accesses to the beach once used by fishermen for generations and generations are now blocked, while fences, gates, copious vegetation, and private property signs stand in their place. Lateral access along the beach is diminished or impossible in many areas due to vegetation encroachment. Mālama Kua āina has documented the beaches in this area for more than 20 years and has an extensive photographic collection of the changes over time.

Along the Hā‘ena coastline, there are five contiguous properties that have had temporary emergency sandbag revetments in place since 1997. Despite the fact that the revetments were authorized under an emergency special management area permit as a one-year temporary fix, these revetments remain in place to this day – nearly 25 years later. The sandbag revetments have done nothing to preserve or protect the shoreline. Instead, the revetments hinder public access to the beach and impede on the beach transit corridor.<sup>2</sup> See photo, below.

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<sup>1</sup> Statewide Recreation Resources Inventory Principal Swimming Areas, Clark & Souza, DLNR, Honolulu, 1987.

<sup>2</sup> Haw. Rev. Stat. § 115-4 (1993) provides for the right of transit along the shorelines. Haw. Rev. Stat. § 115-5(a) (1993) states that the right of transit shall exist seaward of the shoreline and this area shall be defined as a beach transit corridor. Therefore, the location of the shoreline is essential to preserving the well-established public right of access to Hawai‘i’s shorelines.



The sole purpose of the sandbag revetments is to protect private property to the detriment of public trust resources. Despite years of requests by the community for enforcement, nothing has been done to bring these homes into compliance or to remove the now illegal revetments. Under the proposed SSBN, sandbag revetments like the ones that have plagued the Hā‘ena coastline will be allowed to remain in place through a streamlined and simplified permitting process. While this approach may be appropriate for some communities, it is certainly not appropriate for the North Shore of Kaua‘i.

#### **The SSBN Program Fails to Meet the Criteria of HAR § 13-5-30(c)**

In evaluating the merits of a proposed land use, the Board shall apply the following criteria:

- (1) The proposed land use is consistent with the purpose of the conservation district;
- (2) The proposed land use is consistent with the objectives of the subzone of the land on which the use will occur;
- (3) The proposed land use complies with provisions and guidelines contained in chapter 205A,

HRS, entitled "Coastal Zone Management", where applicable;

- (4) The proposed land use will not cause substantial adverse impact to existing natural resources within the surrounding area, community, or region;
- (5) The proposed land use, including buildings, structures, and facilities, shall be compatible with the locality and surrounding areas, appropriate to the physical conditions and capabilities of the specific parcel or parcels;
- (6) The existing physical and environmental aspects of the land, such as natural beauty and open space characteristics, will be preserved or improved upon, whichever is applicable;
- (7) Subdivision of land will not be utilized to increase the intensity of land uses in the conservation district; and
- (8) The proposed land use will not be materially detrimental to the public health, safety, and welfare.

HAR § 13-5-30(c).

As a threshold matter, it is impossible for the Board to meaningfully analyze and apply these criteria to all the existing beaches in the main Hawaiian Islands in one fell swoop. For example, many of the criterion require a site-specific analysis, focusing on the “existing natural resources **within the surrounding area, community, or region,**” “the physical conditions and capabilities of the **specific parcel or parcels,**” or “the **existing physical and environmental aspects of the land.**” What may be appropriate for one beach may have a substantial adverse impact on another beach.

Under the first criterion, the proposed land use must be consistent with the purpose of the conservation district. The purpose of the conservation district is “to conserve, protect and preserve the important natural resources of the State through appropriate management and use **to promote their long-term sustainability** and the public health, safety and welfare.” HRS § 183C-1. As discussed further below, any meaningful plan to promote the long-term sustainability of our public trust beaches cannot be realized absent an analysis of managed retreat and relocation, which the SSBN program proposal completely ignores. Moreover, as discussed below, there are many aspects of the SSBN program proposal that are not consistent with the provisions and guidelines contained in HRS Chapter 205A. For these reasons, the SSBN program fails to meet the criteria of HAR § 13-5-30(c).

### **Activities Allowed Under the SSBN Program Proposal are Invasive and Damaging**

The scope of the work proposed to be streamlined on public beaches statewide by private landowners is astounding and not in the public interest. While the prior SSBN program, which expired in 2010, provided for streamlined permitting for limited beach nourishment projects, under the extended SSBN program proposal currently before the Board, construction of sand stabilization structures is also allowed. Although the program is called Small Scale Beach Restoration, the following activities eligible under the SSBN program that this Board is being asked to approve on public trust lands is anything but small:

- The recovery, transport, and placement of beach compatible fill that may be recovered, transported, and placed using mechanical and hydraulic systems;
- The use of beach stabilization structures, which may include, but are not limited to, “sand filled geotextile bags or tubes, stone filled marine mattresses, geotextile filter fabric, core stone, armor stone, steel or vinyl sheet pile, timber piles, and concrete, among others”;
- Construction of nearshore submerged berms for the purposes of retaining adjacent subaerial beach; and
- Planting vegetation to stabilize the beach.

Moreover, the SSBN allows the use of invasive mechanical systems and heavy equipment – such as excavators, cranes, bulldozers, front-end loaders, and other earth moving equipment – in performing beach nourishment activities. Streamlining mechanical manipulation of public beach resources by private landowners is misguided at best. These approved categories of activities under the SSBN have the potential to greatly impact the shoreline and nearshore ecosystems and should not be allowed under a blanket approval.

### **Failure to Consider Managed Retreat**

The programmatic EA appears to have been brought about by a desire to “take big strides to make beach restoration projects more attractive” and to “facilitate alternatives to coastal armoring for beach erosion management.” SSBR Programmatic EA, *page 1*, 5. The beach nourishment and restoration activities proposed under the SSBN program, however, merely provide a temporary band-aid fix to the larger systemic problem with our State’s coastal management.

The Hawai‘i Coastal Erosion Management Plan (COEMAP) acknowledges the past poor management of coastal lands in Hawai‘i and recognizes that “the improvement of these failures will not be easy, rapid, inexpensive, or simple. COEMAP, *page 44*. In adopting guidelines for agency decision-making along the shoreline, the COEMAP provides:

Any Environmental Assessment prepared in conjunction with an application to construct a seawall, revetment or similar structure, or an activity that will alter in any way littoral processes affecting the shoreline, **should be accompanied by appropriate justification and detailed studies including**, but not limited to . . .

12. **Alternatives.** All alternatives to shoreline hardening should be thoroughly researched and analyzed. These **alternatives should include beach and/or dune restoration using sand replenishment, retreat from the shoreline by moving existing structures inland,** and a no action alternative.”

COEMAP, *page 89*. The SSBN program proposal fails to explore the managed retreat alternative, relocation of infrastructure, repurposing land, or removing current beachfront structures to outside of the projected sea-level-rise exposure area.

The *Hawai‘i Sea Level Rise Vulnerability and Adaptation Report* referenced and relied upon in the Programmatic EA also has numerous references to the importance of a managed retreat strategy:

- “It is further recommended that a land inventory be conducted in each county to identify urban areas that could support a managed retreat strategy.”
- “Beaches fronting these areas of exposed development face a high risk of loss if widespread shoreline hardening is allowed rather than allowing beaches to migrate landward with sea level rise.”
- This analysis considers a scenario where widespread armoring is permitted and does not consider other adaptation scenarios such as managed retreat from impacted areas or beach nourishment, which could help extend the life of beaches.
- Strategies to adapt to sea level rise include reconfiguring arrangement of structures on a plot, relocating structures or retreating, restoring beach ecosystems such as dunes, and demolishing or retiring structures where necessary.

Curiously, however, the SSBN program proposal completely fails to include crucial adaptation management or a comprehensive adaptation strategy that includes managed retreat and relocation:

This preliminary assessment does not account for accelerated erosion adjacent to shoreline structures **and does not include other adaptation measures (i.e., managed retreat, nourishment, etc.). adaptation measures (i.e., managed retreat, nourishment, etc.)**

SSBR Programmatic EA, *page 6*. Instead, the EA skipped to the conclusion that armoring is the only solution. SSBR Programmatic EA, *Page 5,6*. The SSBR has premised the proposal on the potential for beach loss **in the hypothetical scenario that widespread shoreline armoring is permitted** and that soft armoring is preferable to seawalls. We are not limited to a choice between hard armoring or soft armoring.

As the COEMAP makes clear, “restoration is not a permanent solution” and planning for post-restoration realities must proceed on a parallel track, and integrated with, any restoration project. COEMAP, *page 8*. Sea level rise will increase in frequency, and it is crucial we include adaptation measures including managed retreat, relocation, and a comprehensive adaptation strategy into any statewide policy. Instead of taking a hard look at the inevitable, the SSBN program proposal seeks to implement a streamlined permitting process that would allow beachfront property owners and government entities to conduct sand nourishment and construct sand stabilization structures under the guise of preservation. Armoring of Hawaiian beaches statewide and allowing private landowners and their bulldozers to manipulate the beach with mechanical means to prevent wave run up is inconsistent with public policy and state law – it is just plain wrong.

## **The SSBN Program Proposal is Not Consistent with the Public Trust**

The SSBN program proposal provides for a streamlined permitting process for work by governmental agencies and private landowners **on the public beach**. Public access to beaches and the ocean is a right that is preserved by the State Constitution. The public trust doctrine, enshrined in the Hawai‘i State Constitution, Article XI, section 1, declares that "all public resources are held in trust by the state for the benefit of its people[.]"

The Hawai‘i Supreme Court has made clear that the beach is a public trust resource. In County of Hawaii v. Sotomura, the court emphasized "public policy . . . favors extending to public use and ownership as much of Hawaii’s shoreline as is reasonably possible." Id. at 182, 517 P.2d at 61, 62. The court further recognized, "[l]and below the high water mark, like flowing water, is a natural resource owned by the State subject to, but in some sense in trust for the enjoyment of certain public rights" – a concept commonly known as the public trust doctrine. Id. at 184, 517 P.2d at 63. The court explained that it had long recognized the public trust doctrine and reaffirmed the foundational principle that the land below the shoreline "belongs to the State of Hawaii." Id. In In re Sanborn, the court reaffirmed its earlier decisions and stated, the "land below high water mark is held in public trust by the State, whose ownership may not be relinquished, except where relinquishment is consistent with certain public trust principles." 57 Haw. 585, 562 P.2d 771 (1977). These seminal shoreline cases were reaffirmed and extended in 2006 and 2014 by Diamond v. State (Diamond I) and Diamond v. Dobbins (Diamond II).

These seminal shoreline cases of the Hawai‘i Supreme Court manifest the express public policy of "extending to public use and ownership to as much of Hawaii’s shoreline as is reasonably possible" and the long-recognized principle, enshrined in the Hawai‘i State Constitution, that lands below the shoreline are held by the State as a public trust for the people of Hawai‘i. As such, **the State, including the BLNR, has the affirmative duty to protect the public trust in natural resources**. State agencies must take the initiative in considering, protecting, and advancing public rights in the resource at every stage of the planning and decision-making process. **Under the public trust, it is manifest that a government body is precluded from allowing an applicant’s proposed use to impact the public trust in the absence of an affirmative showing that the use does not conflict with public trust principles and purposes**. If we are to have beaches into the future, the BLNR policy needs to prioritize protection of the public trust, not private property.

Studies show that hardening the shoreline where there is chronic coastal erosion causes beach narrowing and beach loss.<sup>3</sup> Beach narrowing and loss, and shoreline hardening, severely restrict public access to state conservation lands and natural resources. COEMAP, *page 4*. The proposed SSBN program conflicts with state law in a number of respects and falls woefully short of upholding the state’s obligation to protect and preserve public trust resources. The SSBR wrongfully equates mitigating coastal hazards with protecting upland development:

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<sup>3</sup> Fletcher, C.H., Mullane, R.A., and Richmond, B.M. (1997) Beach loss along armored shorelines of Oahu, Hawaiian Islands. *Journal of Coastal Research*, v. 13, p. 209-215.

...Sea level rise will increase the frequency and severity of wave inundation, erosion, and flooding events (DLNR, 2017). Either hard (i.e., coastal armoring) or soft (i.e., beach restoration) solutions can be used **to mitigate these coastal hazards (i.e., protect upland development).**

SSBR Programmatic EA, *page 5*. Protecting upland development is not the role or mission of the BLNR. Rather, implementing a statewide policy that seeks to preserve, protect, maintain, and perpetuate our state’s beach resources is the kuleana of the Board. This cannot be achieved through a fast-tracked system allowing for sand nourishment and construction of stabilization structures.

### **Coastal Erosion Controls that Move the Shoreline Seaward Do Not Benefit the Public:**

The SSBN project proposal is couched in terms of protecting beaches, but a closer read shows it protects private property interests rather than the beach. Page 40 of the CDUA provides:

In many cases, the proposed small-scale beach restoration projects will provide beneficial effects by **extending the shoreline** seaward, increasing the space between the water and the backshore infrastructure. This will increase the wave energy dissipating properties of the beach, decrease wave run-up and flooding of the backshore area, and thus reduce susceptibility to natural ocean hazards providing substantial benefits to landward development and facilities. These proposed projects will often increase the shoreline elevation and therefore may reduce the existing tsunami flood hazard risk. However, beach restoration projects may not be executed in such a manner to extend private property boundaries seaward.

There are also numerous references in the EA stating the “benefits” derived by authorizing the placement of coastal erosion controls:

- 4.2.5. regarding Effects on Natural Hazards (EA, *page 108, 109*) states “Small-scale beach restoration activities would **serve to provide some level of protection to homes and infrastructure from the effects of these natural hazards. . . In general, beach restoration projects will extend the shoreline seaward**, increasing the space between the water and the existing homes and infrastructure.”
- 6.1 regarding Determination Criteria (EA, *page 121*) states “**In many cases, the proposed small-scale beach restoration projects will provide beneficial effects by extending the shoreline seaward**, increasing the space between the water and the backshore infrastructure.”
- 1.5.1. regarding Beach Restoration Benefits (EA, *page 21*) states “The primary benefit is hazard mitigation, **whereby wave run-up becomes reduced** thereby serving to reduce flooding and coastal erosion.”

What the SSBN programmatic EA and CDUA ignore is that **the proposed placement of coastal erosion controls** to “extend the shoreline seaward,” reduce wave run-up, and “increase the space between the water and the backshore infrastructure” **will be occurring completely within the public trust area.**

Hawai‘i Revised Statutes (HRS) § 205A-1 defines the shoreline as:

*the upper reaches of the wash of the waves, other than storm or tidal waves, at high tide during the season of the year in which the highest wash of the waves occurs. Usually evidenced by the edge of vegetation growth, or the upper limit of debris left by the wash of the waves.*

As explained above, the Hawai‘i Supreme Court made clear that “[l]and below the high water mark . . . is a natural resource owned by the State subject to, but in some sense in trust for, the enjoyment of certain public rights.” County of Hawaii v. Sotomura, at 184, 517 P.2d at 63. The Court in In re Sanborn made clear that “land below high water mark is held in public trust by the State, whose ownership may not be relinquished, except where relinquishment is consistent with certain public trust principles.” Anything placed below the upper reaches of the wash of the waves infringes on public trust resources and is inconsistent with public trust principles. When property lines are surveyed, the makai boundary of shoreline property is based on the 1947 historical shoreline. Today, due to erosion and sea level rise, the 1947 boundaries are largely below the water line. Inasmuch as the SSBN project proposal allows landowners to armor the public beach to prevent wave run up and move the shoreline seaward, public use and access is limited and public trust resources are privatized to the benefit of beachfront property owners. It is not in the public interest for BLNR to allow private manipulation of public lands to move shorelines seaward in order to protect private property.

### **The Board has an Affirmative Duty to Preserve and Protect Native Hawaiian Rights**

Article XII Section 7 of the Hawai‘i State Constitution gives the Board the power to protect Native Hawaiian rights and to prevent any interference with the exercise of these rights. It confers an affirmative duty on the State and its agencies to preserve and protect Native Hawaiian rights and the State may not act without independently considering the effect of its actions on Hawaiian traditions and practices. Here, the SSBN project proposal has the potential to directly impact Native Hawaiian traditions and practices in the beach and nearshore areas. Taking a statewide approach to shoreline management, rather than evaluating shoreline management proposals on a case-by-case basis, prevents the Board from exercising its due diligence to ensure the actions it takes does not impact Native Hawaiian traditional and customary rights.

### **The SSBN Program Proposal is Not Consistent with the CZMA**

Pursuant to HRS 205A-5, all agencies shall enforce the objectives and policies of HRS 205A, Hawai‘i’s coastal zone management (CZM) program. The SSBR proposal allows landowners to armor the public beach to prevent wave run up and move the shoreline seaward

thereby limiting public use and access, privatizing public trust resources. This runs counter to the purpose of Hawai‘i’s CZM program.

One of the stated objectives of HRS 205A is to “protect valuable coastal ecosystems, including reefs, beaches, and coastal dunes, from disruption and minimize adverse impacts on all coastal ecosystems.” HRS § 205A-2(b)(4). In furtherance of beach protection, HRS chapter 205A establishes, in relevant part, the following policies:

- (A) Locate new structures inland from the shoreline setback to conserve open space, minimize interference with natural shoreline processes, and minimize loss of improvements due to erosion;
- (B) Prohibit construction of private shoreline hardening structures, including seawalls and revetments, at sites having sand beaches and at sites where shoreline hardening structures interfere with existing recreational and waterline activities;
- (C) Minimize the construction of public shoreline hardening structures, including seawalls and revetments, at sites having sand beaches and at sites where shoreline hardening structures interfere with existing recreational and waterline activities;

HRS § 205A-2(b)(9). The SSBR proposes to allow landowners to move shorelines across the state seaward to protect private property and to construct sand stabilization structures in the shoreline. This conflicts with the public purpose in HRS 205A to protect beaches for public use and recreation. Public policy, as interpreted by the Hawai‘i Supreme Court, favors extending to public use and ownership as much of Hawai‘i’s shoreline as is reasonably possible.

### **SSBR re Vegetation:**

Our sandy beaches are currently severely diminished due to encroaching vegetation that has moved exponentially seaward shrinking the public beach corridor. The SSBN program proposal expressly allows for “planting vegetation to stabilize the beach with special conditions for types of vegetation and maintenance.” SSBR Programmatic EA *page 28*. “Stabilizing” the beach with vegetation, is in direct conflict with state law and public policy.

The SSBR proposal conflicts with Haw. Rev. Stat. § 205A-2, which sets forth the objectives and policies for the Coastal Zone Management Program. Among these is Haw. Rev. Stat. § 205A-2(c)(9), which states that in connection with beach protection, it is a policy to “prohibit private property owners from creating a public nuisance by inducing or cultivating the private property owner's vegetation in a beach transit corridor” and to “prohibit private property owners from creating a public nuisance by allowing the private property owner's unmaintained vegetation to interfere or encroach upon a beach transit corridor.”

The SSBR proposal is also in conflict with HRS § 115-10, which provides, in relevant part, “the department of land and natural resources shall maintain access within beach transit corridors under this chapter and chapter 183C, by requiring private property owners to ensure that beach transit corridors abutting their lands shall be kept passable and free from the landowner's human-

Mālama Kua'āina  
Post Office Box 536  
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induced, enhanced, or unmaintained vegetation that interferes or encroaches in the beach transit corridors.” In enacting HRS § 115-10, the State Legislature specifically found:

that there are many shoreline areas throughout the state where the **overgrowth of vegetation inhibits lateral access and transit along the beach, thereby denying the public of use and enjoyment of the public domain.** The area seaward of the shoreline is part of the State's conservation district and is regulated by the department of land and natural resources. Although natural vegetative overgrowth exists along beach areas, there is also evidence in many areas of vegetative overgrowth into the beach area induced or cultivated by private property owners. **The purpose of this Act is to reaffirm a longstanding public policy of extending to public use and ownership as much of Hawaii's shoreline as is reasonably possible by ensuring the public's lateral access along the shoreline,** by requiring the removal of the landowners' induced or cultivated vegetation that interferes or encroaches seaward of the shoreline.

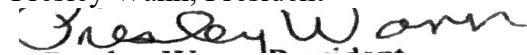
2010 Haw. Sess. Laws, Act 160, §§ 1 and 7, as amended by 2013 Haw. Sess. Laws, Act 120, §§ 3 and 4.

Through resulting policies and laws, the Hawai'i legislature has found that there are many shoreline areas throughout the state where the overgrowth of vegetation inhibits lateral access and transit along the beach, thereby denying the public use and enjoyment of the public domain. The eligibility of landowners to plant vegetation in the SSBR proposal conflicts with HRS §115 and should not be an approved activity under the SSBN project proposal. The biggest loss of public beach in Hā'ena and Wainiha and many other places across the state is not due to sea level rise, but due to human induced planting of our beaches shrinking the sandy beach, this proposal will exacerbate that loss.

As detailed above, MKA has several concerns related to the SSBN program proposal. As such, we strongly oppose the recommendation and request that the Board **not** re-authorize, revise, or extend the expired Small Scale Beach Nourishment (SSBN) program being proposed to create this Small Scale Beach Restoration (SSBR) program through a streamlined and coordinated state regulatory process. MKA urges the Board to protect the public trust, our public beaches, by voting NO on this SSBN program proposal. If, however, the Board is inclined to approve this Statewide SSBR, Mālama Kua'āina respectfully requests a contested case pursuant to Hawaii Administrative Rule (HAR) Section 13-1-29.

Respectfully submitted,

Presley Wann, President



Caren Diamond, Executive Director





# MĀLAMA LOKO EA FISHPOND

July 6th, 2021

Hawaii Board of Land and Natural Resources  
Testimony July 9, 2021 agenda item K.2

**Re:Conservation District Use Application SH-3877 (Applicant: DLNR) for A Programmatic Statewide Small Scale Beach Restoration (SSBR) Program Affecting Beaches of the Main Hawaiian Islands.**

Aloha, on behalf of our organization, Mālama Loko Ea Foundation I offer the following testimony on this item of critical interest. Aloha ‘Āina organizations and practitioners have been leading the effort to support the tradition of our home land in place based resource management for generations. This Application thwarts these efforts in every way possible.

By publishing this action as a “statewide programmatic proposal”, the Office of Conservation and Coastal Lands has, in fact, sidestepped the whole purpose of a Conservation District Use Application. We have a long and credible history of response and contribution to place based management in Hawaii, considering it our kuleana and the pono way to meet our purpose. Labeling this proposal a “statewide” matter hid it from organizations like ours and the public. Furthermore, there was zero public outreach.

Our experience with “statewide” fishing rules has been the key motivating factor in the development of specific area moon and tide calendars to guide pono fishing. Because each place is so unique, there is only one way to address natural and cultural resource research and management, place by place. Statewide management is ineffective because it is wrong.

A programmatic CDUA to allow ANY alteration of our beaches is wrong. Each beach has its own features and concerns and must be addressed individually. This cannot be a discretionary policy. This must be done beach by beach. If this is too difficult for the State to manage, then communities should be supported and encouraged to create correct place based management such as in Ha‘ena. Conservation District work cannot be left to the whims of private property owners or a State employee, director or otherwise.

Providing a path to shoreline manipulation is a path to disaster. Unpermitted sandbags have negatively impacted the shoreline and resources for decades without effective enforcement. Our beaches are a public trust and are worth our very best, not the least we can do.

We strongly support the Petition for intervention and expect this Board to accept that Petition.  
Me ka ha‘aha‘a,

Rae DeCoito

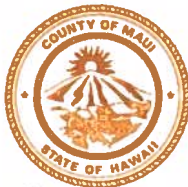
Executive Director

Mālama Loko Ea Foundation  
P.O. Box 553, Hale‘iwa, Hawai‘i 96712



MĀLAMA  
LOKO EA FISHPOND

MICHAEL P. VICTORINO  
Mayor  
MICHELE CHOUTEAU MCLEAN, AICP  
Director  
JORDAN E. HART  
Deputy Director



**DEPARTMENT OF PLANNING**  
COUNTY OF MAUI  
ONE MAIN PLAZA  
2200 MAIN STREET, SUITE 315  
WAILUKU, MAUI, HAWAII 96793

July 6, 2021

Suzanne D. Case, Chair  
and Members of the Board of Land  
and Natural Resources  
State of Hawaii  
Kalanimoku Building  
1151 Punchbowl Street, Room 130  
Honolulu, Hawaii 96813

Submitted to [blnr.testimony@hawaii.gov](mailto:blnr.testimony@hawaii.gov)

Dear Chair Case and Members:

**SUBJECT: CONSERVATION DISTRICT USE APPLICATION SH-3877  
FOR A PROGRAMMATIC STATEWIDE SMALL SCALE  
BEACH RESTORATION (SSBR) PROGRAM (ITEM K-2)**

Thank you for this opportunity to provide testimony in strong support of the Conservation District Use Application for the Programmatic Statewide Small Scale Beach Restoration (SSBR) Program.

The goal of this program is to enable small-scale beach restoration projects to be implemented by private and government applicants through a cost-effective, timely and environmentally-conscious permitting program. Such a program promotes properly planned and executed nourishment projects and will assist in the management of erosion threats to beachfront property and infrastructure, reduction of impacts associated with climate change and sea level rise, and increase overall coastal resilience.

In administering the coastal zone management program, the County of Maui prioritizes and encourages activities that focus on protecting and restoring coastal ecosystems. Maui is already experiencing impacts of sea level rise, including worsening coastal erosion and high wave inundation, and there are many examples of homes, buildings, roads, and critical infrastructure that are imminently threatened. Where appropriate and feasible, the County aims to enable beach and dune restoration as one of the more pro-active adaptive management strategies to mitigate the impacts of coastal hazards, and to preserve recreational opportunities, cultural resources and practices, and ecosystem health.

Suzanne Case, Chair  
and Members of the Board of Land  
and Natural Resources  
July 6, 2021  
Page 2

The Planning Department actively works with the State and various other agencies, organization and private landowners to facilitate nature-based solutions to erosion management instead of coastal armoring (*e.g.*, seawalls), which is a practice known to have deleterious effects on beaches. For example, the Department oversees a long-standing and very successful program of dune restoration that includes partnerships among the Department, the University of Hawaii - Sea Grant Program and various volunteer groups. The proposed SSBR program would be highly beneficial towards continuing and expanding these efforts.

Again, I support the Conservation District Use Application for the Programmatic Statewide Small Scale Beach Restoration (SSBR) Program.

Thank you for your consideration of this testimony. Should you have any questions, please feel free to contact me.

Sincerely,



MICHELE MCLEAN, AICP  
Planning Director

xc: Tara Owens, UH-Sea Grant (PDF)  
Shellie Habel, UH-Sea Grant (PDF)  
MCM:SH  
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Written Statement of  
**DR. PATRICK K. SULLIVAN**  
**PRESIDENT/CEO OCEANIT**

Before the

**BOARD OF LAND AND NATURAL RESOURCES**  
July 9, 2021

In SUPPORT of  
Item K-2

To: Chair Case and Members of the Board

From: Dr. Patrick K. Sullivan, President/CEO

Re: Testimony in Support of Item K-2

Honorable Chair and Members of the Board:

Thank you for the opportunity to provide testimony in Support of **Item K-2**.

Hawai'i's beaches have become increasingly threatened by coastal erosion which affects shoreline access, recreation and cultural activities, coastal ecosystems and environments, and our economy. The proposed Conservation District Use will support the long-term preservation of Hawai'i's coastal resources by facilitating nature-based solutions to Hawai'i's coastal erosion and coastal hazards and restoring important coastal ecosystems and habitats by encouraging small-scale beach maintenance projects throughout the islands.

The current regulatory requirements for placement or maintenance of beach sand are exceedingly arduous and do not allow for discretionary environmental controls that are best suited to each project. We support this permitting streamlining effort to reduce the regulatory complexity and bureaucracy and provide more consistency in the regulatory process, as well as reduce project costs.

We strongly support the re-authorization and extension of the Small Scale Beach Nourishment program to create a Small Scale Beach Restoration program.

Oceanit's team of engineers is actively working to address many coastal erosion hazard issues around the State. We foresee the important SSBR permitting program potentially benefiting three to four of our projects in the near future and appreciate the State's support in helping to make the permit review process more feasible for our diverse range of clients.



July 6, 2020

**Testimony Presented Before the**  
Board of Land and Natural Resources  
Suzanne Case, Chairperson  
Kalanimoku Building  
1151 Punchbowl St. Rm 130  
Honolulu, HI 96813

**July 9, 2021 at 9:00am**  
(via Zoom)

**Waikīkī Beach Special Improvement District Association**

By  
Rick Egged, President

ITEM K2- Conservation District Use Application for Programmatic Statewide Small Scale Beach Restoration (SSBR) Program.

The Waikīkī Beach Special Improvement District Association (WBSIDA) **strongly supports** the proposed Conservation District Use Application (CDUA) by the Office of Conservation and Coastal Lands requesting that the Department of Land and Natural Resources (DLNR) re-authorize the Small Scale Beach Nourishment (SSBN) program and implement a streamlined and coordinated regulatory process. The OCCL proposes that the DLNR re-authorize, revise, and extend the SSBN program to create a Small Scale Beach Restoration (SSBR) program. The WBSIDA supports comprehensive and efficient administrative programs like the proposed CDUA for the SSBR program. Streamlined administrative programs like the SSBR will greatly enhance the efficiency and effectiveness of beach management in Waikīkī, including significant cost efficiencies, resulting in much-needed beach restoration projects and improved public beach access while supporting and maintaining Hawaii's visitor-based economy.

The SSBR program will provide a streamlined permitting process for beach and coastal erosion control projects. Beach restoration projects with properly planned and executed nourishment programs will assist in managing erosion threats to beachfront property and infrastructure, reduce impacts associated with climate change and sea level rise, and increase overall coastal resilience. Properly designed beach restoration projects can have many other benefits within the broader coastal environment such as ensuring the continued provision of habitat for various threatened and endangered species, protecting cultural sites and burials in the backshore, and improving water quality by providing a natural buffer between waves and exposed soil deposits and on-site sewage disposal systems along eroded shorelines. The SSBR program will enable small-scale beach restoration projects to be implemented by private and government applicants.

With the combination of beach erosion and King Tides, the Waikīkī backshore is frequently flooded, particularly during high surf events, accelerating damage to backshore infrastructure. Without beach improvements and maintenance, sea level rise is likely to result in total beach loss in Waikīkī before the end of the century and result in an estimated economic loss of \$50 million to \$150 million per hectare<sup>1</sup>. The loss of Waikīkī Beach alone would result in an annual loss of \$2.223 billion in visitor expenditures<sup>1</sup>. Improvements and maintenance of the beach are necessary to restore and maintain the beaches of Waikīkī to continue to support Hawaii's tourism-based economy. The SSBR program will greatly enhance the efficiency and effectiveness of small-scale beach maintenance projects like those planned for Waikīkī and many other areas around the state.

Waikīkī Beach is a globally recognized icon of Hawai'i and is the state's largest tourist destination. Waikīkī generates approximately 42% of the state's visitor industry revenue and is responsible for 8% (\$5 billion) of the Gross State Product<sup>2</sup>. Beaches are a primary attraction for visitors to Waikīkī. It has been estimated that Waikīkī Beach accounts for over \$2 billion in annual income for the local economy<sup>3</sup>. However, a 2008 survey found that up to 60% of westbound visitors would not return to Waikīkī due, in part, to limited beach area and resulting overcrowding<sup>3</sup>. Waikīkī Beach also has tremendous cultural significance as a former playground of Hawaiian royalty and the birthplace of the sport and culture of surfing. The beaches and myriad of world-renown surf breaks and reef ecosystem located offshore are valuable natural resources that support the environment, culture and lifestyle of Hawai'i, and the idyllic image of Waikīkī. It is critically important we facilitate the ability to maintain these important natural resources for the inherent economic, social, cultural and environmental value they provide to residents and visitors alike.

Hawaii's beaches have become increasingly threatened by coastal erosion. According to the United States Geological Service (USGS) *National Assessment of Shoreline Change for the Hawaiian Islands*, 70% of Hawaii's beaches are eroding and 13 miles of beach have been lost over the last century. Beach erosion affects shoreline access, recreation and cultural activities, coastal ecosystems and environments, and our economy. Beaches are the backbone of Hawaii's \$17 billion<sup>4</sup> tourism industry and are central to Hawaii's unique culture and lifestyle. Statewide, sea-level rise threatens major infrastructure and chronic coastal erosion is destroying beaches, in response the state is challenged to find effective and efficient ways to preserve and maintain our naturally occurring sand beaches. Beaches and dunes provide effective natural "soft" protection for beachfront development from the impacts of high waves and erosion. The proposed SSBR program will support the long-term preservation of Hawaii's coastal resources by facilitating "softer" nature-based solutions to Hawaii's coastal erosion and coastal hazards and restoring important coastal ecosystems and habitats by encouraging small-scale beach maintenance projects throughout Hawai'i and result in improved management and preservation of Hawai'i's possibly most important natural resource.

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<sup>1</sup> Tarui, N., Peng, M., Eversole, D. (2018). *Economic Impact Analysis of the Potential Erosion of Waikīkī Beach (Update)*. University of Hawai'i Sea Grant College Program. April 2018.

<sup>2</sup> <http://www.waikikibid.org/>

<sup>3</sup> Waikīkī Improvement Association (2008) *Economic Impact Analysis of the Potential Erosion of Waikīkī Beach, Final Report*.

<sup>4</sup> Hawai'i Tourism Authority (2019). <https://www.hawaiitourismauthority.org/media/4167/hta-tourism-econ-impact-fact-sheet-december-2019.pdf>

The current regulatory requirements for placement or maintenance of beach sand are unnecessarily arduous and do not allow for discretionary environmental controls that are best suited to each project. Offering increased administrative discretion and efficiencies for beach restoration projects is an essential part of beach management practices around the world but has become especially complex in Hawai‘i due to exceptionally rigorous and unique regulatory requirements. Approving the SSBR program will result in the State more efficiently administering small-scale beach management and restoration projects without compromising or limiting the ability to effectively regulate and manage these type of projects.

The 2019 Hawai‘i state legislature appropriated \$10 million to the Department of Land and Natural Resources for Waikīkī Beach Improvements of which the WBSIDA is identified as a cost-share partner for \$3 million. The WBSIDA is also a project partner with the state on several other beach improvement projects in Waikīkī. The current regulatory practices and monitoring requirements administered through the Section 401 WQC, add a disproportionate cost to beach improvement projects with very little benefit to nearshore water quality as a result. The WBSIDA supports the effort to reduce the regulatory complexity and bureaucracy and provide more consistency and predictability in the regulatory process. This effort will also reduce the direct project cost, facilitate ecosystem-based beach management projects and help to conserve the beaches of Hawai‘i. The SSBR will facilitate site-appropriate beach maintenance projects approved by the DLNR and support the conservation, preservation and maintenance of Hawai‘i’s beaches while encouraging “softer” measures to protect the shoreline where hard engineered structures are not always appropriate. Thank you for the opportunity to testify.

WBSIDA is a 501©3 non-profit which has committed to partially supporting beach improvement projects in the Waikīkī district as a public-private partnership. The WBSIDA looks forward to further developing the project scope in partnership with the DLNR. Thank you for the opportunity to provide comments on this project.