

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
BOARD MEETING
April 11, 2025

Agenda Item D-3
Grant of Term, Non-Exclusive Easement, Immediate Right-of-Entry and
Revocable Permit to Mary Ann Arini and Derek Regal for
Seawall Footing, Steps, and Pavement at Lahaina, Maui

TMK: (2) 4-5-003-027
1055 A. Front Street
Lahaina, Hawai'i 96761

Testimony to DEFER DECISION-MAKING on Agenda Item D-3

Aloha e Chairperson Chang and Board Members,

I am testifying on behalf of myself as a Hawai'i resident, adjunct professor at the University of Hawai'i, and second year law student at the Richardson School of Law. My interest in this issue concerns the KNOWN RISKS OF CLIMATE CHANGE AND SEA LEVEL RISE that endanger my children's future in the islands.

I respectfully request the Board to DEFER DECISION-MAKING on PSF No.:25MD-009, Easement and Permit for Seawall Footing, Steps, and Pavement at 1055 A. Front Street in Lahaina, Maui, UNTIL FURTHER INFORMATION AND DOCUMENTATION IS AVAILABLE TO MAKE AN INFORMED DECISION.

The proposed easement and permit would provide the property owner the "Right, privilege and authority to use, maintain, **repair, replace, and remove existing concrete rubble masonry (CRM) seawall footing, CRM Pavement, and concrete steps over, under, and across State-owned land.**" How will such authorizations and actions align with the County of Maui's County's identified concerns and objectives?

1. The Lahaina Long-Term Recover Plan issued by Maui County on December 2024.

- A. 2.2.4 Coastal Erosion and Flooding – "The State Climate Commission's recognized planning target or threshold for sea level rise exposure is currently 3.2 feet of sea level rise. . . . Strategies to address this vulnerability include stricter building requirements and measures to increase resilience, such as elevation, protection and retrofit or relocation of development and infrastructure to less-hazardous locations." (pg. 16)
- B. 6.4 Hazard Mitigation and Responses – "Effective mitigation and response start with identification and evaluation of all hazards, whether natural or as a result of

human activity. Once hazards are evaluated using a risk prioritization methodology, mitigation measure can be developed by government working with the business community, nonprofits, individuals, and families. These measures can be as simple as managing vegetation to reduce fuels in the event of a fire or as complex as responding to anticipated sea level rise.” (pg. 31)

- C. 7.1 Asset Management and Acquisitions Program – The purpose of “[t]his program will address the significant need for acquisition of real property in the impact zone, including shoreline parcels that face development challenges due to sea level rise and other shoreline hazards.” (pg. 43)
- D. 7.1 Infrastructure Assessment and Improvement Studies – “All projects are reliant upon the availability and sufficient capacity of the infrastructure systems that support and sustain them. As such, the County seeks to build a holistic understanding of the existing, planned, and potential future needs of the infrastructure systems, in order to plan for potential strains and resulting capacity improvements that may be warranted through the long-term recovery and rebuilding effort.” (pg. 49)

2. The West Maui Community Plan issued by the Maui County Department of Planning on January 2022.

- A. 2.1 Policy Goal: Ready and Resilient Systems – “Hazards such as flooding, coastal erosion, and wildfire pose a serious threat to the safety and well-being of the community. These potentially damaging impacts are expected to worsen with climate change and sea level rise. As we plan for the next 20 years and beyond, responsible management of our infrastructure systems will be the key to meeting the needs of the community and improve the quality of life. By identifying and carrying out strategies that will help West Maui adapt to climate change, the result will be a more resilient and self-sustaining community that can respond to and recover from disasters and stressors.” (pg. 31)
- B. 2.1.2 Policies: Climate Change and Sea Level Rise – “To minimize impacts from future coastal erosion, new permanent structures must be located landward of the State-recognized SLR-XA [Sea Level Rise Exposure Area, the recognized planning threshold of 3.2-feet of sea level rise] for coastal erosion, except a minimum buildable area must be provided.
- C. 2.1.3 Policies: Climate Change and Sea Level Rise – “For redevelopment and new developments within the SLR-XA, developers must proactively:
 - a. Coordinate with the Maui County Department of Planning and adjacent or nearby property owners to understand possible collective relocation of at-risk structures;
 - b. Incorporate results of coordination into development plans by siting any new planned structures out of harm’s way.” (pg. 33)

These are just two examples of why the Board’s granting of this proposed easement and permit now is PRE-MATURE and reflects a FAILED PIECEMEAL APPROACH to construction and development on Hawai‘i’s fragile coastline in light of KNOWN RISKS OF CLIMATE CHANGE AND SEA LEVEL RISE.

Additional points that the Board should consider before decision-making include:

1. Whether the proposed project is actually exempt from Chapter 343 (Environmental Impact Statements) requirements when a Major Special Management Use Permit is also being sought by the property owner.
2. Whether the interests of the State are best served by allowing a property owner to (re)build seawalls and other shoreline hardening activities that may be inconsistent with Chapter 205A (Coastal Zone Management).
3. Whether it is appropriate under Chapter 91 (Administrative Procedure) to defer notice to the public—especially the people Lahaina and West Maui who have a vested interest in the coordinated or collective re-building of their destroyed hometown—when an individual project such as this is proposed in the fire impact zone.
4. Whether input from the State Office of Planning and Sustainable Development and State Climate Change Commission at this early stage of planning for the proposed project would be beneficial pursuant to the Chapter 226 (Hawai‘i State Planning Act).

Again, these are just a few examples of why FURTHER INFORMATION AND DOCUMENTAION IS NEEDED.

Therefore, I respectfully request the Board to defer decision-making on Agenda Item D-3, PSF No.:25MD-009, Easement and Permit for Seawall Footing, Steps, and Pavement at 1055 A. Front Street in Lahaina, Maui, at this time.

Mahalo nui loa,



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