

Honolulu, Hawaii

FEB 14 2008

RE: S.B. No. 2739  
S.D. 1

Honorable Colleen Hanabusa  
President of the Senate  
Twenty-Fourth State Legislature  
Regular Session of 2008  
State of Hawaii

Madam:

Your Committees on Water and Land and Transportation and International Affairs, to which was referred S.B. No. 2739 entitled:

"A BILL FOR AN ACT RELATING TO THE MAKENA-KEONE'O'IO GOVERNMENT ROAD,"

beg leave to report as follows:

The purpose of this measure is to:

- (1) Establish that the Makena-Keone'o'io Government Road is under the jurisdiction of the Department of Land and Natural Resources; and
- (2) Prohibit public access to the Makena-Keone'o'io Government Road where it traverses the 'Ahihi-Kina'u Natural Area Reserve; except for legal residents of the area, state and county officials and employees requiring access for maintenance of the road and the natural area reserve, and persons permitted into the natural area reserve pursuant to administrative rules.

Testimony expressing concerns on this measure was received from the Department of Land and Natural Resources (Department), the Office of Hawaiian Affairs, and two fishermen.

Your Committees find that the intent of this measure - to protect the 'Ahihi-Kina'u Natural Area Reserve - has strong



support, but the proposed means to do so has generated a number of critical concerns. The Department has raised legitimate questions regarding public access issues and the costs associated with maintaining a public paved road reaching from "Polo Beach" near the Maui Prince Hotel to La Perouse Bay. The Office of Hawaiian Affairs has expressed its appreciation for the intent to protect a vast fragile natural and cultural site, but questioned the measure's omission of protection for Native Hawaiian traditional and customary practices. Residents who fish the area testified to the popularity of La Perouse Bay as the last accessible fishing area on the south shore of Maui, and opposed their loss of access under this measure.

Your Committees agree that these issues must be addressed and encourage further discussion among the parties. To begin those discussions, your Committees have amended this measure by:

- (1) Deleting the specific public access prohibition and exemptions and instead requiring the Department to adopt rules pursuant to chapter 91 and section 195-5, Hawaii Revised Statutes, regarding entry into the 'Ahihi-Kina'u natural area reserve through the Makena-Keone'o'io Government Road;
- (2) Amending the purpose section to reflect these changes;
- (3) Adding an appropriation for an unspecified amount to be expended by the Department for repair and maintenance of the Makena-Keone'o'io Government Road; and
- (4) Providing that the foregoing appropriation section shall take effect on July 1, 2008.

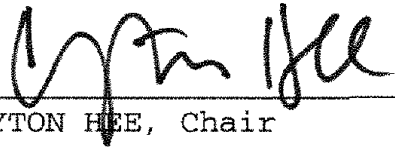
As affirmed by the records of votes of the members of your Committees on Water and Land and Transportation and International Affairs that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2739, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2739, S.D. 1, and be referred to the Committee on Ways and Means.



Respectfully submitted on  
behalf of the members of the  
Committees on Water and Land  
and Transportation and  
International Affairs,



J. KALANI ENGLISH, Chair



CLAYTON HEE, Chair





