STAND. COM. REP. NO. 2327

Honolulu, Hawaii

FEB 1 4 2008

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

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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,

CLAYTON HEE, Chair

The Senate Twenty-Fourth Legislature State of Hawaii

Record of Votes Committee on Water and Land WTL

Bill / Resolution No.:*	Committee	Referral:	Da	4				
SB 2139	WTL/TIA, WAM 2/11/08							
The committee is reconsidering its previous decision on this measure.								
If so, then the previous decision was to:								
The Recommendation is:								
Pass, unamended Pass, with amendments Hold Recommit 2312 2311 2310 2313								
Members		Aye	Aye (WR)	Nay	Excused			
HEE, Clayton (C)								
KOKUBUN, Russell S. (VC)		/			With the Colonia of the Colonia			
FUKUNAGA, Carol								
TOKUDA, JIII N.								
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Chair's or Designee's Signature:								
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*Only one measure per Record of Votes

The Senate Twenty-Fourth Legislature State of Hawaii

Record of Votes Committee on Transportation and International Affairs TIA

SB 2739 Committee Referral: Date: WTL/TIA, WAM 2-11-08								
The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to:								
The Recommendation is:								
Pass, unamended Pass, with amendments Hold Recommit 2312 2311 2310 2313								
	Members	Aye 🖊	Aye (WR)	Nay	Excused			
ENGLISH, J. Kalani (C)		V						
GABBARD, Mike (VC)		V/						
ESPERO, Will		V						
HOOSER, Gary L.		/			V_{\perp}			
INOUYE, Lorraine R.		V						
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