

## testimony

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**From:** msg@aloha.net  
**Sent:** Friday, February 08, 2008 9:39 AM  
**To:** testimony  
**Subject:** SB2739

SENATOR ROZ BAKER  
SENATOR SHAN TSUTSUI  
REPRESENTATIVE MELE CARROLL

From Brian Yoshikawa  
Wailuku, Maui Hawaii

I reviewed SB No.2739, and it raises a few concerns with me. If this bill  
> is passed as is it would not allow for access to La Perouse Bay and  
> areas south of that to the fishermen and divers that do not own a  
> residence along this road. If the purpose of this bill is to protect  
> the Ahihi-Kinau NAR then it is not an effective bill to attain that goal.  
> Visitors to the Ahihi-Kinau NAR will still be able to access the area  
> via foot, kayak, or swimming, and will still have an impact on the  
> frail ecosystem within the NAR that the DLNR is trying to protect.

> This Makena-Keoneoio road is an access road to the NAR, but continues  
> on to a very popular fishing and diving area utilized by primarily  
> local fishermen that would be in uproars should this bill pass as is.  
> You are very aware of the animosity towards the DLNR and State Parks  
> Department due to the nightly closure of Makena State Park, as this  
> was an extremely popular night fishing area for the fishermen of Maui.  
> To also consider closing off access to La Perouse Bay and the grounds  
> south of that would incite political suicide by any politicians that  
> support and endorse this bill, as I guarantee you the fishermen will  
> not allow this one to pass without remembering those that supported it.  
> La Perouse Bay is the only shoreline fishing area in south Maui left  
> where a fisherman can cast his pole at night and not have lights from  
> a hotel, condominium, resort, or street light casting his shadows in  
> to the sea as well. It is the only brief remnant of the "country"  
> left for them, as every foot of shoreline north of the Maui Prince  
> Hotel is developed or in various stages of development. To designate  
> this road as outlined in this bill would effectively close the entire  
> fishing grounds south of the NAR, and it would piss off a lot of  
> voters who will remember the political entities that allowed this to happen.  
>

Speaking for the many fishermen that I come in to contact on a daily basis, we do not support this exclusive South Maui Gated community, and do not want this bill to pass or be heard without recognizing the issue of access for fishermen via this road.

Respectfully,  
Brian Yoshikawa  
ulua fisherman, spearfisherman, outdoor enthusiast  
92 North Market Street  
Wailuku, Hawaii 96793  
808-757-2827

**To: Senator Clayton Hee, Chair  
Senator Russell Kokubun, Vice-Chair & Members of the  
Committee on Water and Land**

**To: Senator Kalani English, Chair  
Senator Mike Gabbard, Vice-Chair & Members of the committee on  
Transportation and International Affairs.**

**From: Darrell Tanaka,  
Haiku, Maui, Hi, 96708**

**Re. Hearing on SB2739—Relating to the Makena-Keoneoio government road.**

February 11, 2008 at 2:30pm.

Conference Room 414, State Capitol

**Testimony in Opposition,**

**Thank you Senator Hee and committee members for hearing my testimony in opposition to this bill. Public access to beaches has been an on-going problem here on Maui, this bill proposes further loss of public use of our resource. La Perouse Bay is located at the end of this road is the last accessible fishing area on our south shore, it is very popular and it is used a lot, this bill proposes to restrict access to the public. Just because an area is being used and in some cases abused, the correct answer to the problem is not to shut it down, but to properly manage it with fencing, boulders to restrict parking, rangers to enforce rules and educate the public. Giving the state control over the road is fine, but closing it is an abuse of power and an injustice to all ocean users.**

**Sincerely,  
Darrell Tanaka**



**SB 2739 RELATING TO THE ʻĀHIHI-KĪNAʻU NATURAL AREA RESERVE**

Senate Committees on Water and Land,  
and Transportation and International Affairs

February 11, 2008

2:30 p.m.

Room: 414

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The Office of Hawaiian Affairs (OHA) **SUPPORTS, with amendments** S.B. 2739, which would place the Mākena-Keoneʻōʻio Government Road under the jurisdiction of the Department of Land and Natural Resources (DLNR).

The bill would limit public access to the portions of the road that pass through the ʻĀhihi-Kīnaʻu Natural Area Reserve (NAR). Access would be permitted to legal residents who use the road to access their homes; state and county officials conducting maintenance of the road or the Natural Area Reserve and its resources (NAR); and persons permitted into the NAR under administrative rules adopted by the DLNR.

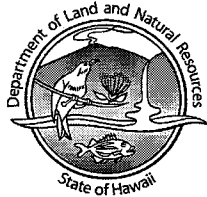
OHA appreciates the intent of S.B. 2739. OHA understands that the recent publicity given to the ʻĀhihi-Kīnaʻu NAR has caused a marked increase in visitors to the area. A study conducted sometime before 2003 found that about 700 people per day visit the NAR, which means that an incredible amount of unneeded stress is being placed on the site's vast natural and cultural resources.

OHA believes that the state needs some sort of mechanism to control public access to protect the area's resources. However, we request that the bill contain specific language that ensures that access for Native Hawaiian traditional and customary purposes to the NAR will be protected.

In addition, we ask the DLNR to provide OHA notification on all public hearings on any proposed administrative rules relating to public access to the ʻĀhihi-Kīnaʻu NAR.

OHA urges the Committees to PASS S.B.2739. Thank you for the opportunity to testify.

LINDA LINGLE  
GOVERNOR OF HAWAII



**STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES**

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FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

**TESTIMONY OF THE CHAIRPERSON  
OF THE BOARD OF LAND AND NATURAL RESOURCES**

**on Senate Bill 2739 – Relating To The Makena-Keoneoio Government Road**

**BEFORE COMMITTEES ON  
WATER AND LAND  
AND  
TRANSPORTATION AND INTERNATIONAL AFFAIRS**

**February 11, 2008**

Senate Bill 2739 establishes that the Makena – Keoneoio Government Road (Road) is under the jurisdiction of the Department of Land and Natural Resources and that it shall be used as an access road to the Ahihi-Kinaiu Natural Area Reserve (NAR). The Department of Land and Natural Resources (Department) understands the intent of this measure, but is nonetheless concerned that there are public access issues and the costs associated with maintaining a public paved road from ‘Polo Beach’ near the Maui Prince Hotel to La Perouse Bay.

The Department recognizes that there are impacts that are occurring to the natural and cultural resources in Ahihi-Kinaiu NAR caused by the growing number of people who access the reserve, however the Department is currently addressing these impacts through:

- (1) The development and implementation of a management plan. This plan seeks to sensitively prevent abuses of the area, which is the intent of Senate Bill 2739, while respecting the access rights to state lands south of the reserve and avoiding the problems with the Department's jurisdiction of the road.
- (2) Increased departmental presence with a new ranger position (total of 4) and a naturalist and volunteer program.
- (3) Newly implemented visiting hours.
- (4) The possible implementation of a two-year area closure plan.

Limiting public access to the NAR via the jurisdictional control of the paved is only one of several methods to control public access to these fragile resources. However, the drawback with controlling use through this road access is that the paved road also provides access to Dumps surfing area, private parcels and La Perouse Bay - which are not part of the NAR. The bay is currently open to the public and is used daily by visitors who want to see the historic monument and residents who fish, hike, swim and snorkel in the bay. The Makena-Keoneoio government road is also the only public access by land for those who wish to visit the Kanaio coast and the historic King’s Trail and the private land holdings.

The County of Maui (County) constructed and has maintained and improved the road to provide access to local residences and the multitude of tourists to the NAR and La Perouse Bay. To turn the entire road from 'Polo Beach' near the Maui Prince Hotel to La Perouse Bay over to the Department would impose an unmanageable maintenance burden on the Department for which it does not have the manpower, expertise, equipment, or experience. This road currently services public and residential access.

There are other options the Department is pursuing to control access into the NAR, such as gating the parking areas. In addition, the Department is currently developing a management plan for the area including the NAR. This process can reach out to the community and county to discuss management options for the road. The Department believes this process will be able to find an approach that will advance the widespread public support of increasing protection of the reserve while providing the correct amount of public access to Dumps, the NAR, La Perouse Bay and the private land parcels without burdening the Department with maintenance costs of a heavily used public road.