

## har3-Megan

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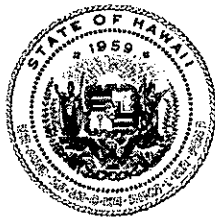
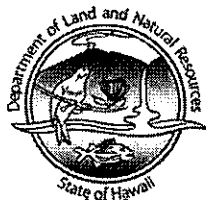
**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, March 25, 2010 7:31 AM  
**To:** WLOtestimony  
**Cc:** Tracy.S.Oshiro@hawaii.gov  
**Subject:** Testimony for HCR243 on 3/29/2010 10:45:00 AM  
**Attachments:** HCR243\_LNR\_03-29-10\_WLO.pdf

Testimony for WLO 3/29/2010 10:45:00 AM HCR243

Conference room: 325  
Testifier position: comments only  
Testifier will be present: Yes  
Submitted by: Tracy Oshiro  
Organization: DLNR  
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Submitted on: 3/25/2010

Comments:

LINDA LINGLE  
GOVERNOR OF HAWAII



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

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

LAURA H. THIELEN  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT

RUSSELL Y. TSUJI  
FIRST DEPUTY

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AQUATIC RESOURCES  
BOATING AND OCEAN RECREATION  
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CONSERVATION AND COASTAL LANDS  
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ENGINEERING  
FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

**Department of Land and Natural Resources  
Testimony Transmittal Cover Sheet**

**Date Submitted: March 25, 2010**

**Testifier's Name/Title:** Paul Conry, Forestry and Wildlife Division Administrator

**Committee Name:** HOUSE COMMITTEE ON WATER, LAND, & OCEAN RESOURCES  
(WLO)

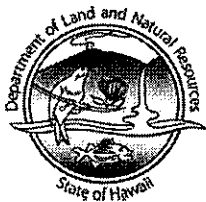
**Day and Date:** Monday, March 29, 2010

**Time/Location:** 10:45 AM, Conference Room 325

**Measure Number:** HCR 243 – REQUESTING THE DEPARTMENT OF LAND AND  
NATURAL RESOURCES TO MAKE THE HALEAKALA TRAIL  
AVAILABLE TO THE PEOPLE OF HAWAII

**Requested Copies:** 1 (including original) to Room 438 in the State Capitol

LINDA LINGLE  
GOVERNOR OF HAWAII



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

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**Testimony of  
LAURA H. THIELEN  
Chairperson**

**Before the House Committee on  
WATER, LAND AND OCEAN RESOURCES**

**Monday, March 29, 2010  
10:45 a.m.  
State Capitol, Conference Room 325**

**In Consideration of  
HOUSE CONCURRENT RESOLUTION 243  
REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO  
MAKE THE HALEAKALA TRAIL AVAILABLE TO THE PEOPLE OF HAWAII**

House Concurrent Resolution 243 requests the Department of Land and Natural Resources (Department) to make the Haleakala Trail on Maui available to the people of Hawaii. The Department provides the following information on the efforts to establish public access in this area. In short, there is no lack of effort that requires a resolution, but access issues are complex and require resources.

The Department, through its Division of Forestry and Wildlife/Na Ala Hele (Trails and Access) Program (NAH) is interested in attempting to re-establish managed public access along the Haleakala Bridal Trail (HBT) - with the concurrence and collaboration of Haleakala Ranch (Ranch). NAH submitted a letter to the Ranch in November of 2006 that suggested that while both parties may ultimately disagree on ownership of the HBT, a meeting to discuss access strategies that minimize disruption to ranch activities would be of mutual interest. This is prudent since both the Department and the Ranch are members of the Maui Watershed Partnership.

While there is compelling legal evidence to support a potential government claim for ownership of the HBT, without the consent and concurrence of the Ranch, this claim may have to be adjudicated through a civil action. Until a court adjudicates ownership – it is simply the Department's opinion that the trail may qualify for ownership pursuant to Section 264-1, Hawaii Revised Statutes. The commitment of state resources and the possibility of establishing case law that is adverse to the State's goal of claiming historic trails should the court rule in favor of the private owner is a disincentive to initiate a civil action at this time. Currently, the Ranch disputes the government's claim.

**LAURA H. THIELEN**  
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In addition, there are land use and public safety issues associated with over 100 years of cattle ranching in this location that must also be reconciled to accommodate public recreational access – even if government tenure of the HBT was confirmed through legal action or mutually agreed upon. Through discussion with the Ranch, there may perhaps be a method to provide public access that takes into consideration ranch activities.

It is the Department's desire to consider access strategies with the Ranch that do not include litigation on ownership, and the Department will keep the Legislature apprised of our negotiations with the Ranch on this subject.