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GOVERNOR OF  
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STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

Testimony of  
SUZANNE D. CASE  
Chairperson

Before the House Committee on  
WATER & LAND

Friday, February 5, 2016  
8:30 AM  
State Capitol, Conference Room 325

In consideration of  
HOUSE BILL 2721  
RELATING TO LIPOA POINT

House Bill 2721 proposes to require the Department of Land and Natural Resources (Department) to implement a management plan for Lipoa point on Maui. **The Department opposes this measure in its current form, without the critically warranted funding to both manage (current baseline management and enforcement) and adequately plan for sustainable future uses in compliance with Chapter 343, Hawaii Revised Statutes, requirements for this new parcel of public land.**

Pursuant to Act 241, Session Laws of Hawaii 2013, the Department acquired the property identified as Tax Map Key No. (2) 4-1-001:010, from Maui Land & Pineapple Company, Inc. (MLPC). The parcel came under the public trust for the Department to manage without any commensurate funding to do so. To now simply implement the Hawaiian Island Land Trust management plan without funding is not tenable.

The Department's cost to date for minimal management includes ancillary staff time and expenditure of funds for management signage (\$1,066.00 for 50 advisory/prohibited activity signs) and to contract for hazard tree trimming (\$29,000.00).

*A summary of the funding and cost elements critically needed by the Department is itemized as follows:*

- \$300,000 annually to contract for various property maintenance services;
- \$323,052 annually for 3 Conservation and Resources Enforcement Officer III;
- \$400,000 for a Master Plan;

- \$200,000 for an Environmental Impact Statement (EIS).

### **Narrative Explanation**

The parcel is comprised of 244 acres of highly adulterated and former agricultural land that was extensively used for the propagation of pineapple. The vegetation on the parcel is predominately non-native, the vast majority of which is comprised of fallow grassland laced with exposed plastic remnants for weed control and access roads associated with pineapple cultivation. The parcel abuts a coastline for approximately 3 miles comprised of undulating cliffs that contain remnants of historical and archaeological sites and hosts seabird nesting sites.

There is a heavily used access trail with a minimal area of unimproved parking that may be on the county roadway to the Honolua-Mokuleia Bay Marine Life Conservation District (MLCD) that is a very popular destination for visitors and residents for snorkeling due to the quality of marine life. There is also a heavily used unimproved access road that leads to a bluff that provides both scenic views of the coastline and access to a trail used by surfers to paddle out to a renowned outer bay winter surf break.

There is a centralized unimproved interior road used by fishermen to gain access to the shoreline for traditional fishing activity and an additional unimproved access road that terminates at a small beach that has been used for unmanaged public camping.

There have been decades of issues associated with off road vehicle use, dumping, illicit nighttime activities, unauthorized structures, and commercial activities. The parcel contains several unlocated private holdings (kuleana) and has significant interest of both community and cultural stakeholders in regards to its current and future uses. The current public value in its unmanaged condition is open view space with key access points to the shoreline, ocean recreation, fishing, and associated cultural sites and public access.

*As such, with the current deficiencies in budget and staffing, this new acquisition of public land now presents significant challenges for the Department in both the interim and long term management of a vast, porous and complex new land area in regards to insuring 1) public safety, 2) security, 3) sanitation, 4) resource protection and 5) appropriate recreational and land management.*

In addition to an immediate need for on the ground management funding and additional enforcement positions, a master plan is critically needed to provide the basis of management directions that balance the obligation to protect the quality of the waters in the MLCD, ascertain all the community and traditional user stakeholder interests in the future public use of the parcel, and to clearly define the ancillary long-term policies, goals, and associated infrastructure and management costs associated with public use. A master plan is critical in managing an area that is vast in size with competing public interests and requires the coordination and input of several respective Departmental Divisions with mandates related to land management, enforcement, historic marine and land based natural resource protection, and recreation management; the Department does not have a Division authorized at this point in time with the collective funding, staffing, authority, skills or responsibilities to insure the highest and best use of this new public land that takes all of these resource elements into consideration.

*The master plan will provide the Department with interim and long-term management options through the development of goals, objectives, policies and future costs. The planning process and the EIS process is a pre-requisite under Chapter 343 for any improvement to this new parcel of state land for either recreational or sustainable agricultural use – or likely mixtures of both.*

### **Enforcement Impacts**

The acquisition of the Lipoa point parcel shifts the primary enforcement agency responsibility from the Maui Police Department (MPD) to the Maui Division of Conservation and Resources Enforcement (DOCARE). For the island of Maui there are a total of 15 DOCARE officers. Of those fifteen officers, four are primarily responsible for supervision duties and planning. MLPC had maintained a consistent visible presence in the area. They also controlled access for events and fishing and provided monitoring and reporting of unregulated camping, dumping and commercial activity, all of which helped to prevent and minimize impacts to the aforementioned resources. As the area was privately owned, MPD was the primary agency responsible for the enforcement of those activities. In the recent past this area has been the scene of several firearm incidents, one of which resulted in MPD having to use deadly force. Less than a mile east a woman was murdered and on another occasion a male was also murdered. This requires law enforcement to conduct patrols with a partner.

*This new acquisition of public land presents Maui DOCARE with significant challenges given current staffing levels to protect both public safety and the resources on site.*



**Department of Land and Natural Resources  
Aha Moku Advisory Committee  
State of Hawaii  
Post Office Box 621  
Honolulu, Hawaii 96809**

Testimony of  
Leslie Kuloloio, Chair

Before the House Committee on  
Ocean, Marine Resources, & Hawaiian Affairs

Friday, February 05, 2016  
8:30 A.M.  
State Capitol, Conference Room 325

**In Consideration of  
HOUSE BILL 2721  
RELATING TO LIPOA POINT**

House Bill 2721 proposes to require DLNR to implement a management plan developed by the Hawaiian Islands Land Trust for Lipoa Point on Maui. **Aha Moku acknowledges the intent of this measure but respectfully must oppose this bill in its current form.**

Since 2013, when the Department of Land and Natural Resources (DLNR) acquired Lipoa Point via Act 241 to manage as a public trust, there was great enthusiasm among the local people who frequent and mālama the area, especially from the native Hawaiian community. Lipoa Point actually is a name for an area located on the border of the Honolua Ahupua'a and the Honokohau Ahupua'a within the Ka'anapali Moku on Moku O Pi'ilani (Maui). Culturally, this area is rich in history and known for its wealth of resources. It has multiple *wahi pana*, heiau, agricultural terraces. It is rich in marine resources and near shore fisheries. This is a place where traditional practitioners continue to gather subsistence and traditionally protect their resources using generational knowledge of the place.

There is a strong Aha Moku presence in the Honolua Ahupua'a who has worked diligently with the DLNR since 2013 and is part of the Lipoa Point Management Working Group. To the people's dismay, information that came forward as the Working Group wrestled with issues such as public safety, security, sanitation, resource protection, watershed restoration, impacts to coral and near shore waters, impacts to stream resources, all pointed to significant cost – funds that did not exist. Outside of DLNR, all of the members of the working group, including the Native Hawaiian generational families who still live in the Honolua Ahupua'a, have given significant time to this endeavor but do not have the funds to sustain it.

Since Lipoa Point became part of the Public Trust Lands in 2013, DLNR has diligently worked with the local communities to create a management plan and then worked to find a way to implement it. This measure, as it is written, does not address the practical work that needs to go into an implementation plan, nor does it address the cost of what is necessary for this implementation to succeed. The Honolua Ahupua'a communities have worked closely with DLNR in regards to Lipoa Point, but have gone as far as they can go without the funding needed to implement a management plan. How long must they wait?

It is for this reason that the Aha Moku must oppose this measure as it is written. DLNR needs the support of the Legislature, and the necessary funds to ensure that Lipoa Point is restored to one of the most beautiful and historic places on Maui – one that is rich in its environment, ecosystem and culture.



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February 3, 2016

House Committee on Water and Land  
Re: HB 2721  
Hawai'i State Capitol  
415 S. Beretania St.  
Honolulu, Hawai'i, 96813

Aloha Members of the House Committee on Water and Land,

Please accept this letter on behalf of the Hawaiian Islands Land Trust (HILT), with our strong support and endorsement of H.B. 2721, which calls for the implementation of a management plan, facilitated by HILT, at the Lipoa Point/Honolua Bay property purchased by the State of Hawai'i from Maui Land and Pineapple Company. With over 17,500 acres of land protected across the Hawaiian Islands, and over 400 acres owned in fee, HILT is aware of the complexities and challenges of land stewardship and management. Our experience has demonstrated the urgency and importance of drafting a management plan that reflects the values and management goals of the community.

In our experience, drafting a management plan in which the community is invited to provide their guidance and insight has proven invaluable in the long-term management of protected properties, particularly those which are open to the public. Such plans provide critical guidance for protecting the cultural, historical and ecological integrity of these lands. Recognizing the need for such a plan, HILT, in collaboration with our partners at the `Aha Moku Council and the Save Honolua Coalition, have, for several years, encouraged the development of a comprehensive, community-driven management plan at Lipoa Point/Honolua Bay.

We have been very fortunate to have found generous private donors who have made pledges to provide the money to draft such a plan. We have submitted a Memorandum of Understanding (MOU) to the Department of Land and Natural Resources, and hope that, through legislative means, we can complete and sign this MOU and begin the critical work of drafting this management plan. If you have any questions, please do not hesitate to contact me at [scott@hilt.org](mailto:scott@hilt.org) at your earliest convenience.

Me ka ha'aha'a

Scott Fisher, Ph.D.  
Interim Executive Director



February 3, 2016

House Committee on Water and Land  
Re: HB2721 Relating to Lipoa Point

Aloha Representatives,

The Save Honolua Coalition, has been raising funds for basic management at Honolua (port-a-potties, community clean-ups) for over five years. Since the State's acquisition we have also been paying a contract worker for daily rubbish removal and general maintenance with a ROE from BLNR. We have a draft framework for management at Honolua done by Bob Agres, formerly of HACBED, this document is a starting point for discussion that chronicles where we have come from and where we would like to go and outlines a process, but there is more planning needed namely a community approved sustainable revenue source. It is critically important that this planning continues to be community-based with respect to the environment and culture.

Hawaiian Islands Land Trust has put out a Request for proposal for professional community-based management planning for Honolua and HILT has also secured private donors willing to fund a professional community based management plan that will build on the framework we have created, but they are having difficulties getting the State DLNR to agree to honor the outcome of this plan which is a condition that is required by the private donors. So we urge you to pass legislation to move this process forward so that this treasured resource can be cared for in perpetuity and create a truly win-win partnership between public and private entities.

The Save Honolua Coalition is grateful for the State's acquisition of land at Honolua including Lipoa Point. Our non-profit organization has been working with DLNR, Aha Moku o Ka'anapali and the community to continue to take care of this area. We are committed to taking care of this property and working with the community.

With a fond aloha,

Tamara Paltin  
President, Save Honolua Coalition

Save Honolua Coalition is a non-profit organization incorporated May 11, 2007, State of Hawaii.  
Federal 501(c)(3) tax-exempt status granted, effective May 11, 2007.  
Please consult with your tax advisor for deduction instructions.

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**Save Honolua Coalition**  
**P.O. Box 11904**  
**Lahaina, HI 96761**  
**Email:** [kokua@savehonolua.org](mailto:kokua@savehonolua.org) ~ **Website:** [www.savehonolua.org](http://www.savehonolua.org)

February 3, 2016

House Committee on Water and Land  
Re: HB2721 Realting to Lipoa Point

Aloha Representatives,

I am representing the Plantation Estates Lot Owners Association and the Makana Aloha Foundation in offering this testimony. In the interest of full disclosure I am also a Director of Hawaiian Islands Land Trust. Firstly, I thank the State of Hawaii for taking responsibility for Lipoa Point with the acquisition of the property in October of 2014. However, it is time to follow up with a management plan for the property that reflects the wishes of the local community. I am currently President of the Plantation Estates Lot Owners Association which represents 103 lot owners and 40+ home owners who view Lipoa Point every day either from their lanais or when they drive down the hill from their homes. I can assure you that there is a consensus of opinion among the lot owners that Lipoa Point must be conserved and that a community-based plan is the correct way to proceed in order to determine the wishes of the community in that regard.

As a Director and Founder of the Makana Aloha Foundation, we have been involved for several years with Hawaiian Islands Land Trust and have supported them with grants to further their objectives. We are supportive of Hawaiian Islands Land Trust taking a leading role in the development of a community-based plan using professional planners that will reflect the wishes of the community. We sincerely wish that the plan will be adopted by the State of Hawaii in moving Lipoa Point forward for the benefit of the community and for the conservation of Lipoa Point in perpetuity.

Mahalo,

Gunars Valkirs

President, Plantation Estates Lot Owners Association  
Director, Makana Aloha Foundation  
Director, Hawaiian Islands Land Trust

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, February 03, 2016 8:17 AM  
**To:** waltestimony  
**Cc:** dylanarm@hawaii.edu  
**Subject:** \*Submitted testimony for HB2721 on Feb 5, 2016 08:30AM\*

**HB2721**

Submitted on: 2/3/2016

Testimony for WAL on Feb 5, 2016 08:30AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Dylan Armstrong	Individual	Support	No

Comments:

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, February 04, 2016 6:14 AM  
**To:** waltestimony  
**Cc:** gkvierra@gmail.com  
**Subject:** Submitted testimony for HB2721 on Feb 5, 2016 08:30AM

**HB2721**

Submitted on: 2/4/2016

Testimony for WAL on Feb 5, 2016 08:30AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
George Vierra	Individual	Support	No

Comments: I support the Save Honolua Coalition! Let us move forward with a community based management plan, the state has nothing to lose, a non-profit organization is paying for the maintenance of this state property, private funders are paying for the planning and community is cleaning up. What's not to love?

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**Sent:** Thursday, February 04, 2016 2:16 PM  
**To:** waltestimony  
**Cc:** sseubert@earthlink.net  
**Subject:** \*Submitted testimony for HB2721 on Feb 5, 2016 08:30AM\*

**HB2721**

Submitted on: 2/4/2016

Testimony for WAL on Feb 5, 2016 08:30AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Susan Seubert	Individual	Oppose	No

Comments:

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**Sent:** Thursday, February 04, 2016 3:02 PM  
**To:** waltestimony  
**Cc:** susankessler4@aol.com  
**Subject:** \*Submitted testimony for HB2721 on Feb 5, 2016 08:30AM\*

**LATE**

**HB2721**

Submitted on: 2/4/2016

Testimony for WAL on Feb 5, 2016 08:30AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Susan Kessler	Individual	Support	No

Comments:

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**To:** waltestimony  
**Cc:** sirenasket@yahoo.com  
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**HB2721**

Submitted on: 2/4/2016  
Testimony for WAL on Feb 5, 2016 08:30AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
sirena masket	Individual	Oppose	No

Comments:

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**Sent:** Friday, February 05, 2016 1:24 PM  
**To:** waltestimony  
**Cc:** gf.fletchco@yahoo.com  
**Subject:** Submitted testimony for HB2721 on Feb 5, 2016 08:30AM

**HB2721**

Submitted on: 2/5/2016

Testimony for WAL on Feb 5, 2016 08:30AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
grant fletcher	Individual	Comments Only	No

Comments: save honolua ..keep the aina for our keiki

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Friday, February 05, 2016 7:02 AM  
**To:** waltestimony  
**Cc:** matt@thebrumleys.com  
**Subject:** Submitted testimony for HB2721 on Feb 5, 2016 08:30AM

**HB2721**

Submitted on: 2/5/2016

Testimony for WAL on Feb 5, 2016 08:30AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Matt Brumley	Individual	Support	No

Comments: Thank you for protecting this incredible place for the future of Maui!

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**Sent:** Friday, February 05, 2016 6:42 AM  
**To:** waltestimony  
**Cc:** tcutt@hawaii.edu  
**Subject:** \*Submitted testimony for HB2721 on Feb 5, 2016 08:30AM\*

**HB2721**

Submitted on: 2/5/2016  
Testimony for WAL on Feb 5, 2016 08:30AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
TommyCutt	Individual	Support	No

Comments:

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