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STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

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Testimony of
SUZANNE D. CASE
Chairperson

Before the Senate Committee on
WAYS AND MEANS

Tuesday, March 1, 2016
1:30 PM
State Capitol, Conference Room 211

In consideration of
SENATE BILL 3037
RELATING TO LIPOA POINT

Senate Bill 3037 proposes to require the Department of Land and Natural Resources (Department) to implement a management plan for Lipoa Point on Maui. **The Department opposes SB3037 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.



February 29, 2016

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Dear Members of the Senate Committee on Ways and Means,

Please accept this letter as testimony in support SB 3037, a bill relating to Lipoa Point. The Hawaiian Islands Land Trust (HILT) is a state-wide conservation organization with a mission to “protect the lands that sustain us for current and future generations.” Since 2011 HILT has worked closely with both the Save Honolua Coalition and the Aha Moku o Ka`anapali to ensure that this *wahi pana* of Honolua Bay and Lipoa Point would be protected in perpetuity, and stewarded in a way that protects sensitive ecosystems, cares for the numerous cultural, historical and archaeological sites, and promotes respectful public access. All three organizations have consistently pointed out the need for a comprehensive, community-driven management plan.

In order to facilitate this process, HILT, the Aha Moku o Ka`anapali and the Save Honolua Coalition have worked with two generous donors who have offered to pay \$100,000 towards the creation of a management plan. In 2015 HILT circulated a request for proposals, and has received, reviewed and selected a planning firm who is prepared to draft such a plan. In effect, these funds are a donated gift to the State of Hawai`i, who will be the beneficiary of the management plan, as the State is the landowner.

In a Memorandum of Understanding submitted to the DLNR in late 2015, HILT requested a condition that the state would give serious consideration to implementing this management plan when it is completed. We are aware that this is not a binding condition, but, in the interest of avoiding the frivolous use of the funds, we requested some type of guarantee that the management plan would be utilized.

It should be noted that we are not trying to make unreasonable demands on the DLNR. Rather, we are hoping to work with the DLNR and with the communities of the Moku o Ka`anapali to expeditiously facilitate this critically important process. As landowners, HILT is aware of the need for community participation in the development of a management plan, and we are both trying to alleviate an additional burden on the DLNR, while also demonstrating our commitment to this community.

Sincerely,

Scott Fisher, Ph.D.
Interim Executive Director

From: mailinglist@capitol.hawaii.gov
To: [WAM Testimony](#)
Cc: capitol@mauicomputing.com
Subject: Submitted testimony for SB3037 on Mar 1, 2016 13:30PM
Date: Monday, February 29, 2016 1:46:46 PM

SB3037

Submitted on: 2/29/2016

Testimony for WAM on Mar 1, 2016 13:30PM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Eric K. Olson	Individual	Support	No

Comments: I support the testimony of the Save Honolua Coalition, the Hawaiian Islands Land Trust and the Aha Moku o Kaanapali on this measure.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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From: mailinglist@capitol.hawaii.gov
To: [WAM Testimony](#)
Cc: jdancer@kula.us
Subject: Submitted testimony for SB3037 on Mar 1, 2016 13:30PM
Date: Monday, February 29, 2016 9:32:04 AM

SB3037

Submitted on: 2/29/2016

Testimony for WAM on Mar 1, 2016 13:30PM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
John NAYLOR	Individual	Support	No

Comments: Doing nothing is not an option - please urge the State to require DLNR to work with the community to create a community based management plan with respect to Native Hawaiian practices and values.

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From: mailinglist@capitol.hawaii.gov
To: [WAM Testimony](#)
Cc: mmmmahalo2000@aol.com
Subject: Submitted testimony for SB3037 on Mar 1, 2016 13:30PM
Date: Monday, February 29, 2016 1:20:28 PM

SB3037

Submitted on: 2/29/2016

Testimony for WAM on Mar 1, 2016 13:30PM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Mike Moran	Individual	Support	No

Comments: Please support! We made a smart move & purchased the land on the west side of Maui, but we now need the follow through by the DLNR. Where is the plan for Lipoa Point? Please take action to get this going forward. Mahalo, Mike Moran, Maui

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February 29, 2016

Aloha e Senators,

On behalf of the Save Honolua Coalition, Mahalo nui for reading our testimony in support of HB2721. As you are aware the State of Hawaii officially acquired this parcel in the Honolua area in 2014 due to great community support.

Our organization's mission is to: Maintain open space, public access and revitalize the health of the Honolua Ahupua'a through community based management utilizing Native Hawaiian practices and values. In putting this mission in to action we have acquired funds to maintain port-a-potties (and permits) at Honolua since 2009, we have held quarterly clean-ups of this area – on 2/20/16 in coordination with the Aha Moku o Kaanapali, and other entities, we filled a 20' rollout dumpster with opala and took more than 20 truckloads to recycle scrap metal, e-waste, batteries and tires – and involved the community in addressing solutions to issues as they arise.

We are now looking to the future; to long term management and stewardship of this wahi pana. We cannot continue to rely on grants to sustain our efforts in perpetuity and so we need a plan that is acceptable to our community, to our kupuna, and to the State on how we move forward. Hawaiian Islands Land Trust who has experience and has advised us from the start of our organization back in 2006 has stepped in with a donor from the area to fund the creation of a community based management plan – but they want some assurance that this plan will be honored and so they created a memorandum of understanding to work with the State and that is where our efforts have stalled. There has been very little effort by the State to move forward with efforts at Honolua and I understand they are overwhelmed but all the more reason to take advantage of this offer.

Save Honolua Coalition
P.O. Box 11904
Lahaina, HI 96761

Email: kokua@savehonolua.org ~ **Website:** www.savehonolua.org

Please consider the alternative to passing this bill is to do nothing, which is not a solution to this problem. Essentially, we are not asking to implement a non-existent management plan, we are asking the State to work with the community and NGO's to create a community based management plan. Initially after the State's purchase of the land the State had come to our community and said they wanted to put out signage and erect barriers and that they would follow up with the community, none of that has been done. The Honolua area is one of the most heavily visited tourist destinations in the State with no management plan, we need to move forward on stewardship plans, we need to consider viable sources of revenue, we need to work together for the benefit of Honolua. Please support our community's efforts to step up and take care of our area.

Malama Pono

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.

From: mailinglist@capitol.hawaii.gov
To: [WAM Testimony](#)
Cc: susankessler4@aol.com
Subject: *Submitted testimony for SB3037 on Mar 1, 2016 13:30PM*
Date: Monday, February 29, 2016 9:23:32 AM

SB3037

Submitted on: 2/29/2016

Testimony for WAM on Mar 1, 2016 13:30PM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Susan Kessler	Individual	Support	No

Comments:

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Cc: awesomeblossommaui@yahoo.com
Subject: Submitted testimony for SB3037 on Mar 1, 2016 13:30PM
Date: Monday, February 29, 2016 10:33:52 AM

SB3037

Submitted on: 2/29/2016

Testimony for WAM on Mar 1, 2016 13:30PM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
jill laffin	Individual	Comments Only	No

Comments: Aloha, As a former resident (22years) of West Maui and current resident of East Molokai (7years) I encourage the timely action for the management and care of Lipoa Point Maui. In support of already confirmed legislature the responsibility of the DNLR should have been long since underway! Not wasting more of our precious time and funds. I also encourage those voted into these positions to do their jobs for the highest and best for our land, water, and people. The exhausting witnessing of The State of Hawaii's government inability to be PONO is embarrassing on the Global and Local scale.....to say the least. I am confident that you all will be correct today and in the future for what you were elected to do....CARE for our land, water, and people!! Sleep better...vote correctly!! Mahalo, Jill Laffin

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To: [WAM Testimony](#)
Cc: lfstevens@earthlink.net
Subject: Submitted testimony for SB3037 on Mar 1, 2016 13:30PM
Date: Monday, February 29, 2016 9:31:49 AM

SB3037

Submitted on: 2/29/2016

Testimony for WAM on Mar 1, 2016 13:30PM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Larry Stevens	Individual	Comments Only	No

Comments: Please fund the creation of a management plan for Honolua/Lipoa Point.

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