

SB 3037

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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 Senate Committee on
WATER, LAND AND AGRICULTURE**

**Monday, February 8, 2016
10:00 AM
State Capitol, Conference Room 224**

**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.



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

Testimony of
Felimon Sadang, Ka'anapali Moku Representative
Moku O Pi'ilani (Island of Maui)

Before the Senate Committee on
Water, Land and Agriculture

Monday, February 08, 2016
10:00 A.M.
State Capitol, Conference Room 224

**In Consideration of
SENATE BILL 3037
RELATING TO LIPOA POINT**

Senate Bill 3037 requires DLNR to implement a management plan for Lipoa Point on Maui. **Aha Moku supports this bill.**

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.

The Hawaiian Islands Land Trust (HILT) is working closely with the Honolua and Ka'anapali communities, including Native Hawaiian generational families from the area. Their mission statement is simply to protect the lands that sustain us for current and future generations. They take the "approach to land conservation believing that we need a multitude of protected conservation values to achieve sustainability." Aha Moku supports their mandate to "protect important agricultural lands, public outdoor recreation areas, cultural/historic lands, wildlife habitat and water resource areas" as well as marine resources and near shore coastal areas.

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. 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. The people have turned to the HILT in the hopes that the management



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

plan devised and created by the communities who are stakeholders in Lipoa Point can be presented to DLNR so government and the public trust can mutually benefit from this preservation effort. Our understanding is that a Memorandum of Understanding (MOU) is currently being worked on by the HILT to submit to DLNR on behalf of the communities of Ka'anapali.

One of the top priorities of the Ka'anapali Moku is to create, within the context of a community-based management plan, a sustainable source of revenue with which to maintain Lipoa Point in perpetuity. The people do not want to continually need to approach the Legislature - asking for funds to manage Honolua. Their goal is to discuss and come up with ways of raising revenue that are acceptable to kupuna and community – a way to maintain one of the most beautiful and historic places on Maui – one that is rich in its environment, ecosystem and culture.

We ask that this committee support this measure. Mahalo nui loa.



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February 3, 2016

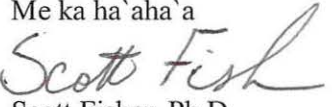
Senate Committee on Water and Land
Re: S.B. 3037
Hawai'i State Capitol
415 S. Beretania St.
Honolulu, Hawai'i, 96813

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 S.B. 3037, 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 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: SB3037 Relating to Lipoa Point

Aloha Senators,

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.**

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

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

February 3, 2016

Senate Committee

Re: SB3037 Relating to Lipoa Point

Aloha Senators,

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
To: [WLA Testimony](#)
Cc: smwestcott@yahoo.com
Subject: *Submitted testimony for SB3037 on Feb 8, 2016 10:00AM*
Date: Sunday, February 07, 2016 8:08:06 AM

SB3037

Submitted on: 2/7/2016

Testimony for WLA on Feb 8, 2016 10:00AM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Alvin Westcott	Individual	Support	No

Comments:

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Cc: nokaoui1969@gmail.com
Subject: Submitted testimony for SB3037 on Feb 8, 2016 10:00AM
Date: Sunday, February 07, 2016 6:02:43 PM

SB3037

Submitted on: 2/7/2016

Testimony for WLA on Feb 8, 2016 10:00AM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
ANDREW ISODA	Individual	Support	No

Comments: Please create a community-based management plan. Mahalo!

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To: [WLA Testimony](#)
Cc: gkvierra@gmail.com
Subject: Submitted testimony for SB3037 on Feb 8, 2016 10:00AM
Date: Thursday, February 04, 2016 6:14:58 AM

SB3037

Submitted on: 2/4/2016

Testimony for WLA on Feb 8, 2016 10:00AM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
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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To: [WLA Testimony](#)
Cc: gf.fletchco@yahoo.com
Subject: Submitted testimony for SB3037 on Feb 8, 2016 10:00AM
Date: Friday, February 05, 2016 1:22:23 PM

SB3037

Submitted on: 2/5/2016

Testimony for WLA on Feb 8, 2016 10:00AM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
grant fletcher	Individual	Comments Only	No

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

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From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: oluolu@maui.net
Subject: Submitted testimony for SB3037 on Feb 8, 2016 10:00AM
Date: Wednesday, February 03, 2016 2:55:11 PM

SB3037

Submitted on: 2/3/2016

Testimony for WLA on Feb 8, 2016 10:00AM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Helen Nielsen	Individual	Support	No

Comments: I am in support of this bill. I wish I could attend in person but I cannot fly over to Honolulu at this time. Please consider my written testimony: The Hawaiian Islands Land Trust (HILT), a non-profit in Hawaii, has a good reputation in the management of conservation lands and is uniquely suited to plan and implement a community-based management plan for Lipoa Point. Lipoa Point, located on the west/northwest end of Maui, has been recently acquired by the State and I believe there are currently no State plans/resources for a management plan of this property. The property is heavily used by the local community and also by the many visitors to Maui. HILT is able to secure \$100,000 in private funding by generous donors to hire a consultant and create a community-based management plan, by working with the community, neighbors, users of this property, State agencies, County agencies, etc. Creating a plan with broad community input and support will be a benefit to not only the State but a huge benefit to the community. Please contact me if you have any questions or would like a personal tour of this beautiful property. I am grateful for the Senate's past support for the purchase of this property. Now that the State owns it, I hope great partnerships can be made to maintain it well into the future. I would appreciate your consideration and support of this bill. Sincerely, Helen Nielsen Maui oluolu@maui.net

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Cc: coops10maui@gmail.com
Subject: *Submitted testimony for SB3037 on Feb 8, 2016 10:00AM*
Date: Friday, February 05, 2016 8:38:51 AM

SB3037

Submitted on: 2/5/2016

Testimony for WLA on Feb 8, 2016 10:00AM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Kim Cooper	Individual	Support	No

Comments:

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To: [WLA Testimony](#)
Cc: lfstevens@earthlink.net
Subject: Submitted testimony for SB3037 on Feb 8, 2016 10:00AM
Date: Friday, February 05, 2016 6:08:51 AM

SB3037

Submitted on: 2/5/2016

Testimony for WLA on Feb 8, 2016 10:00AM in Conference Room 224

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

Comments: Please support the development of a management plan for the incredibly valuable resource at Lipoa Point/Honolua. Its current uncertain status is confusing to the community and risks letting the property become a problem for safety, sanitary, environmental and other reasons.

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To: [WLA Testimony](#)
Cc: laluz@maui.net
Subject: Submitted testimony for SB3037 on Feb 8, 2016 10:00AM
Date: Thursday, February 04, 2016 10:44:23 PM

SB3037

Submitted on: 2/4/2016

Testimony for WLA on Feb 8, 2016 10:00AM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
lucienne de naie	Individual	Support	No

Comments: Please support this effort to create a management plan for one of Maui's best loved places

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From: mailinglist@capitol.hawaii.gov
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Cc: matt@thebrumleys.com
Subject: Submitted testimony for SB3037 on Feb 8, 2016 10:00AM
Date: Friday, February 05, 2016 7:01:02 AM

SB3037

Submitted on: 2/5/2016

Testimony for WLA on Feb 8, 2016 10:00AM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Matt Brumley	Individual	Support	No

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

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Cc: mmmmahalo2000@aol.com
Subject: Submitted testimony for SB3037 on Feb 8, 2016 10:00AM
Date: Friday, February 05, 2016 7:54:37 PM

SB3037

Submitted on: 2/5/2016

Testimony for WLA on Feb 8, 2016 10:00AM in Conference Room 224

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

Comments: Please support this measure The community of Maui has made outstanding progress in saving this priceless land, & needs to continue. Mahalo, Mike Moran

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To: [WLA Testimony](#)
Cc: robin@mauirobin.com
Subject: Submitted testimony for SB3037 on Feb 8, 2016 10:00AM
Date: Thursday, February 04, 2016 9:06:54 PM

SB3037

Submitted on: 2/4/2016

Testimony for WLA on Feb 8, 2016 10:00AM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Robin Newbold	Individual	Support	No

Comments: Saving Honolua via community based management is in the best interest of all parties. Though out the Pacific Islands community management has been a key component to revival of fish and coral reef populations.

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Cc: sirenamasket@yahoo.com
Subject: *Submitted testimony for SB3037 on Feb 8, 2016 10:00AM*
Date: Thursday, February 04, 2016 6:07:23 PM

SB3037

Submitted on: 2/4/2016

Testimony for WLA on Feb 8, 2016 10:00AM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
sirena masket	Individual	Oppose	No

Comments:

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Cc: susankessler4@aol.com
Subject: *Submitted testimony for SB3037 on Feb 8, 2016 10:00AM*
Date: Thursday, February 04, 2016 3:02:56 PM

SB3037

Submitted on: 2/4/2016

Testimony for WLA on Feb 8, 2016 10:00AM in Conference Room 224

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

Comments:

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To: [WLA Testimony](#)
Cc: sseubert@earthlink.net
Subject: *Submitted testimony for SB3037 on Feb 8, 2016 10:00AM*
Date: Thursday, February 04, 2016 2:15:57 PM

SB3037

Submitted on: 2/4/2016

Testimony for WLA on Feb 8, 2016 10:00AM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Susan Seubert	Individual	Oppose	No

Comments:

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Cc: tampaltin@gmail.com
Subject: Submitted testimony for SB3037 on Feb 8, 2016 10:00AM
Date: Sunday, February 07, 2016 10:37:42 AM

SB3037

Submitted on: 2/7/2016

Testimony for WLA on Feb 8, 2016 10:00AM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Tamara Paltin	Individual	Comments Only	No

Comments: Aloha Senators, My name is Tamara Paltin and while I am President of the Save Honolua Coalition, I'm submitting this testimony as an individual. I work as a lifeguard at Honokahua bay just south of Honolua and I have the great privilege of seeing from afar, Honolua, Lipoa point (aka Kulaokaea) on a daily basis. It is because of my Aloha for Honolua that I volunteer my time and efforts to protect Honolua, to Malama Honolua, to Aloha Honolua. I have written grants to provide port-a-potty service at Honolua since 2009; I have helped to organize many, many community clean-ups; I have organized and participated in a draft framework for community-based management at Honolua; I have networked with DLNR, HILT and AMAC for the benefit of Honolua. We are at a point now where we need a community driven, community based management plan with details of how and who will be managing Honolua and details about where a sustainable source of revenue will come from. Our community is grateful for State acquisition of this parcel and we do not expect the State to continue to pay for Honolua indefinitely however, in the process of letting the community and the AHA Moku of this area take responsibility for this parcel we need an agreement from the State/DLNR to honor a professionally created management plan funded by private donors secured by HILT who has a documented record of delivering these types of documents. What we are offering to the State is a savings of commissioning a management plan, we have worked within our Moku with HILT and the AHA Moku gotten funding, put out a RFP and selected a reputable and credible planners to do the work all we ask is that the State agree to honor the work created it would also be helpful if someone from DLNR sat in on the process as a stakeholder knowledgeable in the policies and procedures of State property. I truly believe this proposition is in the best interests of all parties and I'm asking that you as legislators support these types of creative solutions and give DLNR and the current administration the direction to move us forward in responsible stewardship of our people's resources. Malama Pono Tamara Paltin

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Date: Thursday, February 04, 2016 7:12:06 PM

SB3037

Submitted on: 2/4/2016

Testimony for WLA on Feb 8, 2016 10:00AM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
tia pearson	Individual	Oppose	No

Comments:

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SB3037

Submitted on: 2/5/2016

Testimony for WLA on Feb 8, 2016 10:00AM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
TommyCutt	Individual	Support	No

Comments:

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