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GOVERNOR OF
HAWAII



SUZANNE D. CASE
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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 Committees on
PUBLIC SAFETY, INTERGOVERNMENTAL, AND MILITARY AFFAIRS
and
WATER AND LAND

Monday, February 11, 2019
1:30 PM
State Capitol, Conference Room 229

In consideration of
SENATE BILL 1327
RELATING TO PUBLIC ACCESS TO THE SHORELINE IN SOUTH MAUI

Senate Bill 1327 proposes to require the Department of Land and Natural Resources (Department), in collaboration with the county councilmember representing the south Maui residency area, Kihei Community Association, and 'Aha Moku O Kula Makai, to develop a master plan to expand public access to the shoreline in South Maui, particularly state-owned land, and proposes to appropriate an unspecified amount of general funds. **The Department opposes this measure.**

The Department notes that the counties are responsible for developing shoreline public accesses under Sections 46-6.5 and 115-2, Hawaii Revised Statutes.

The bill describes "a parcel of land in South Maui that lacks adequate shoreline access," but does not provide a tax map key number for the parcel. Based on the Department's information, the bill may relate to any one or more of the vacant parcels shown on Exhibit A attached. Tax Map Key: (2) 3-9-004:087 (Parcel 87), which is a 2.5-acre parcel of state land with some coastal frontage, is currently under Revocable Permit No. S-7868 to the Association of Apartment Owners (AOAO) of Kihei Surfside for landscaping, maintenance and recreational purposes. The revocable permit requires the permittee to allow full and unrestricted public use of and access to the land at all times, and to place signs to indicate the land is open to the public.

Parcel 87 is adjacent to another parcel of State land designated as Tax Map Key: (2) 3-9-004:001 (Parcel 1), which is a roughly 2.213-acre parcel surrounding two condominium projects known

as the Kihei Surfside and Mana Kai-Maui. A 0.425-acre portion of Parcel 1 is under Revocable Permit No. S-7723 to the AOA of Mana Kai-Maui for gravel parking and propane gas tank purposes.

Adjacent and to the south of Parcel 1 is a third State parcel designated as TMK: (2) 3-9-004:149 (Parcel 149) that is used as a parking lot. And adjacent and to the south of Parcel 149 is a fourth parcel of State land designated as TMK: (2) 3-9-004:029 (Parcel 29), which is improved with a low-rise hotel. Parcel 149 is under Revocable Permit No. S-7780 to Ruby & Sons Hospitality LLC (RSH), and Parcel 29 is under General Lease No. S-4212 also to RSH. Revocable Permit No. S-7780 provides that the parking lot shall allow and be properly identified for public use.

Senate Bill 1327 states its intent is to expand public access to the shoreline in South Maui, particularly to state-owned land. The Department points out that the public already has access to Parcels 87, 149, and most of 1. However, there are no public facilities in the immediate area. The Department has not identified this area as a candidate for a state managed area. If the intent of the measure is to increase the public recreational use of the land, the Department suggests that an alternative may be for the County of Maui to request Parcels 87, 149 and 1 be set aside to it by Governor's executive order for county beach park purposes. The Department does not have the staff or funding necessary to manage shoreline accesses or shoreline recreational lands that are not designated as a state managed area.

Thank you for the opportunity to comment on this measure.



EXHIBIT A

SB-1327

Submitted on: 2/10/2019 1:28:04 PM

Testimony for WTL on 2/11/2019 1:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Melodie Aduja	Testifying for O`ahu County Committee on Legislative Priorities of the Democratic Party of Hawai`i	Support	No

Comments:



LATE

Vernon Kalanikau
Moku Council Po'o
P.O. Box 133 Kihei, Hi 96753
808-385-0731
Email: frikum@hotmail.com

February 9, 2019

Aloha Chair/Senator Kaiali'i Kahele

I am reaching out to you to express my mana'o to this Bill SB-1327. As I have read the Bill which is vague and would like to see more information or details in it, I do realize this is the first step to the process.

What is concerning for members of 'Aha Moku 'O Kula Kai Council is no one asked or consulted with members or myself to name 'Aha Moku 'O Kula Kai Council as participates in this Bill SB-1327 to develop a master plan to expand public access to the shoreline in South Maui on State Land. 'Aha Moku 'O Kula Kai Council OPPOSES this Bill simply because no one should speak or represent our Council without permission. And through deliberation or discussions pertaining to this Bill, any comments or drop naming my name Vernon Kalanikau and/or the 'Aha Moku 'O Kula Kai Council should not be accepted or recorded.

The 'Aha Moku 'O Kula Kai Council **STRONGLY SUPPORTS THE INITIATIVE** for public access to shoreline not only in South Maui but through out Maui Nui. Our Council has and still initiate awareness and advocate through out communities to preserve and protect what is left for public access to our beaches/shorelines anyway. Regardless if our Council is on a Bill or not. Our Council will still advocate and ask questions publicly and politically to the stakeholders who participates in the master plan as this Bill indicates. 'Aha Moku Councils on Maui will continue to assist 'Aha Moku 'O Kula Kai Council to make recommendations to DLNR as Act 212 and (Act 288 when the Governor decides to reinstate AMAC) particularly to this area in South Maui which

is State Land. I may also add my Ohana has cultural ties and practices and environmental concerns to this area.

I do hope my comments to this Bill is helpful when discussing the Bill. If can, please read my letter openly. If can.

Mahalo,



Vernon Kalanikau - Po'o - Representative for 'Aha Moku 'O Kula Kai
Council

SB-1327

Submitted on: 2/9/2019 8:47:34 PM

Testimony for WTL on 2/11/2019 1:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Dylan P. Armstrong	Individual	Support	No

Comments:

Council Chair
Mike White

Vice-Chair
Robert Carroll

Presiding Officer Pro Tempore
Stacy Crivello

Councilmembers
Alika Atay
Elle Cochran
Don S. Guzman
Riki Hokama
Kelly T. King
Yuki Lei K. Sugimura



Director of Council Services
Maria E. Zielinski

COUNTY COUNCIL
COUNTY OF MAUI
200 S. HIGH STREET
WAILUKU, MAUI, HAWAII 96793
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February 7, 2019

TO: The Honorable Clarence Nishihara, Chair
Senate Committee on Public Safety, Intergovernmental, and Military
Affairs

The Honorable Kaiali'i Kahele, Chair
Senate Committee on Water and Land

FROM: Kelly T. King
Council Chair

A handwritten signature in cursive script that reads "Kelly King".

SUBJECT: **HEARING OF FEBRUARY 11, 2019; TESTIMONY IN SUPPORT OF
SB 1327, RELATING TO PUBLIC ACCESS TO THE SHORELINE IN
SOUTH MAUI**

Thank you for the opportunity to testify in **support** of this important measure. The purpose of this bill is to develop a master plan to expand public access to the shoreline in South Maui, particularly to State-owned land; and to appropriate the necessary funds for this purpose.

The Maui County Council has not had the opportunity to take a formal position on this measure. Therefore, I am providing this testimony in my capacity as an individual member of the Maui County Council.

I support this measure for the following reasons:

1. As set forth in the Maui County General Plan, the policy of the County is to improve the stewardship of the natural environment by "providing public access to beaches and shorelines for recreational and cultural purposes where appropriate."
2. Allowing these shorelines to become a public resource for Maui County's community would open possibilities of sustainable, educational, and cultural practices, as opposed to privatization or inappropriate development.
3. Opening public access to these shorelines would result in a positive environmental impact and safe recreational atmosphere for our local and visitor communities.

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For the foregoing reasons, I **support** this measure.

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SB-1327

Submitted on: 2/6/2019 2:02:42 PM

Testimony for WTL on 2/11/2019 1:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Karen Winslow	Individual	Support	No

Comments: