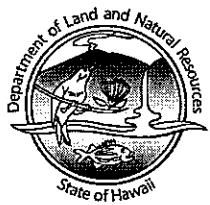


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**TESTIMONY OF THE CHAIRPERSON
OF THE BOARD OF LAND AND NATURAL RESOURCES**

on Senate Bill 2739, Senate Draft 1 – Relating To The Makena-Keoneoio Government Road

**BEFORE COMMITTEE ON
WAYS AND MEANS**

February 25, 2008

Senate Bill 2739, Senate Draft 1 establishes that the Makena-Keone'o'io Government Road (Road) is under the jurisdiction of the Department of Land and Natural Resources (Department); requires the Department to adopt rules pursuant to Chapter 91 and Section 195-5, Hawaii Revised Statutes (HRS), regarding entry into the 'Ahihi-Kina'u Natural Area Reserve (NAR) through the Road and; appropriates an unspecified amount to be expended by the Department for repair and maintenance of the Road, effect on July 1, 2008. While the Department appreciates the intent of this measure, the Department nonetheless opposes the measure because it would divert the Department from core resource management responsibilities and divert fund and time to road maintenance. Furthermore, the Department has concerns with the fiscal implications it will have on the Executive Supplemental Budget request.

The Department recognizes that there are impacts that are occurring to the natural and cultural resources in Ahihi-Kinau NAR caused by the growing number of people who access the NAR, however the Department is currently addressing these impacts through:

- (1) The development and implementation of a management plan. This plan seeks to sensitively prevent abuses of the area, which is the intent of this bill, while respecting the access rights to state lands south of the reserve and avoiding the problems with the Department's jurisdiction of the Road.
- (2) Increased departmental presence with a new ranger position (total of 4) and a naturalist and volunteer program.
- (3) Newly implemented visiting hours.
- (4) The possible implementation of a two-year area closure plan to close most of the NAR area makai of the Road.

Turning the jurisdictional control of the paved road over to the State is one way to control and limit public access to the NAR. However, that as currently proposed under this measure requires the State to take over the maintenance and management of the entire paved road from 'Polo Beach' near the Maui Prince Hotel to La Perouse Bay, an obligation well beyond the means and expertise of the NAR System program. The Road also provides access to the popular Dumps surfing area and private parcels and La Perouse Bay - which are not part of the NAR. The area of

resource concern within the NAR is the stretch between the Dumps parking lot and La Perouse Bay. This area is currently being discussed for closure which will help alleviate problems there. That closure will allow closing the Dumps parking lot at night, closing the NAR areas makai of the road, installing signage to alert users of the closure, and boulders to prevent pulling off the road and parking. Once the closure goes into place, violators would be subject to enforcement and we believe this may allow us to regulate the overuse problems within the NAR. These measures will still allow vehicle access for fishermen and private residences to the La Perouse Bay beyond the NAR.

The County constructed and has maintained and improved the road to provide access to local residences and the multitude of tourists to the NAR and La Perouse Bay. This road currently services public and residential access. The Department's preferred option is to work with the County and establish a memo of agreement (MOA) to allow the Department to control road access and assume management responsibility over the NAR areas, with the County assisting with maintenance of the road. Following the MOA strategy, the Department has arranged a meeting with the County to discuss the matter later this week.

The Department is currently developing a management plan for the area including the NAR. The Department believes this process will be able to find an approach that will advance the widespread public support of increasing protection of the reserve while providing the correct amount of public access to Dumps, the NAR, La Perouse Bay and the private land parcels.

The Department is appreciative of the Senate Draft 1 amendments to address the Department's concerns for public access to the public lands beyond the NAR at La Perouse Bay (and beyond) by removing the specific public access prohibition, and allowing the Department the flexibility to provide restrictions and access via the rule making process, pursuant to Chapter 91 and Section 195-5, HRS.

The Department is also appreciative of the Senate Draft 1 amendments to address the Department's concerns with the cost of maintaining a public paved road by appropriating an unspecified amount of general fund revenues. The Department has concerns about how this would impact the Executive Supplemental Budget request, and the availability of funding in the future as maintenance needs increase, especially maintaining the entire road from 'Polo Beach' near the Maui Prince Hotel to La Perouse Bay. The area of resource concern is limited to the stretch of Road from the Dumps parking area to La Perouse Bay. The Department also has concerns that the expertise and equipment needed to maintain a paved Road are beyond the capacity and intent of the NAR program and will take away from the Department's mission and focus to manage the resources.

Accordingly, the Department opposes this measure.