

From: [consuelo.apolo-gonsalves](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] J-1 and J-2
Date: Wednesday, July 6, 2022 12:56:29 PM

Aloha e Chair Case & Boardmembers

My name is Consuelo Apolo-Gonsalves

Regarding BLNR agenda item J-1 to exempt the Mala parking lot project in Lāhainā: Please do not declare the Mala Wharf parking project exempt from requirements of HRS Ch. 343, and HAR Title 11, Chapter 200.1 relating to environmental reviews.

The longstanding controversy, and multiple contested cases, arising from the mismanagement of our Mala area cautions the Board to exercise careful consideration and due diligence by requiring this project to conduct the research necessary to produce an Environmental Impact Statement.

For the same reason, I ask the Board to apply HAR Title 11, Ch 200.1 to this project in order to protect the community's interests via our system of environmental review at both county and state levels so all parties may be certain that environmental concerns are given appropriate consideration in decision-making along with economic and technical considerations.

Exempting the project from the relevant statutes and administrative rules will exacerbate existing concerns in our Maui community about transparency and equitable representation of environmental problems, public trust issues, and erosion of traditional and customary rights.

I oppose the State's proposal to withdraw State lands from Executive Order No. 1314 and issue Right-of-Entry to DOBOR for adding parking to Mala Wharf in Lahaina, Maui. There are Iwi Kūpuna as well as non-Hawaiian burials nearby which will be negatively impacted by the creation of a parking lot and increased pedestrian traffic near their final resting place. Please ask this project to meet requirements of HRS Ch. 343 and HAR Title 11, Ch 200.1 with robust vigilance.

Regarding Agenda Item J-2 (update, non-action item)

Please do not build capacity for unwanted visitor-related commercial activities. Most of the Lāhainā community feel the pono approach to management of this area should be to reduce or eliminate commercial operations patronized by tourists. Please consider reserving Māla for the traditional & customary users including wa'a and lawai'a, non-commercial kama'aina activities, and wahi kūpuna stewardship.

Mahalo again for your consideration of the generational families of Maui Komohana.

Sent from my T-Mobile 5G Device

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July 7, 2022

VIA E-MAIL (blnr.testimony@hawaii.gov)

Chairperson Case and Members
Board of Land and Natural Resources
State of Hawaii
1151 Punchbowl Street
Honolulu, HI 96813

Re: Item J-1 - Withdrawal of Portions of State Lands from Governor's
Executive Order No. 1314

Item J-2 – Briefing of the BLNR Regarding Commercial Use of
the Mala Wharf launch Ramp Area, Island of Maui

Aloha Chairperson Case and Members of the Board of Land and Natural Resources,

This testimony is submitted on behalf of my clients who hold commercial permits for the use of Mala Launch Ramp, including Extended Horizons Inc.; Noio Charters, Inc.; Lahaina Harbor Water Taxi, Inc.; Underwater Safari; Ocean Riders, Inc.; Adventure Rafting, Inc.; Lahaina Para-Sail, Inc.; Parasail Kaanapali, Inc.; Lahaina Water Ski, Inc.; and West Maui Parasail, Inc. (collectively, "Permittees"). I appreciate and support DOBOR's parking expansion project proposal (Item J-1) and also request the opportunity to address the BLNR after hearing the briefing regarding the commercial use of Mala Launch Ramp (Item J-2). Since no details regarding that briefing are provided the agenda, and there is no staff submittal regarding that item, this written testimony provides general comments regarding the status of the various challenges to my clients' permits.

As the Board knows, Ka Malu O Kahālāwai, Nā Papa'i Wawae 'Ula'Ula, Kekai Keahi, and Kai Nishiki (collectively, "Petitioners") have filed numerous petitions for contested case hearing regarding the renewal of commercial use permits as to different commercial ocean operators since July 2021. Petitioners do not make any allegations regarding each particular Permittees. Instead their arguments focus on incorrect assumptions regarding commercial permittees generally, while ignoring the substantially increased use of Mala Launch Ramp by unpermitted commercial users and the general public. Each petition has raised similar, if not identical, issues and each petition was denied by the Board.

Chairperson Case and Members
July 7, 2022
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Petitioners have also appealed each of the Board's denials to the Circuit Court of the Second Court, and these appeals are currently pending before the circuit court.¹ Like the petitions for contested case hearing, these appeals raise similar, if not identical, issues.

In the first of these appeals to be fully briefed and heard by the court, 2CCV-21-0000336, Judge Cahill affirmed the Board's decision to deny Petitioners' contested case hearing regarding the renewal of Lahaina Harbor Water Taxi, Inc. and Underwater Safari, Inc.'s commercial use permits. Petitioners have appealed Judge Cahill's findings, conclusions and judgment to the Intermediate Court of Appeals, where the secondary appeal is currently pending. On July 6, 2022, the parties were notified that the case has been selected into the appellate mediation program which will give all parties the opportunity for facilitated discussion of alternative resolution possibilities.

These multiple challenges place a heavy burden on Permittees, who have operated out of Maui for decades, are small hardworking businesses and that have complied with all permitting requirements, including payment of permit fees. While inappropriately focusing their challenges on law-abiding small business owners, Petitioners entirely ignore the unpermitted and illegal commercial uses at Mala Ramp. Indeed, Representative Tina Wildberger's October 6, 2021 written testimony to the Board shows that the *lawful* operators, namely Permittees, are not the source of the problems complained of by Petitioners:

Activity observations at Mala will show commercial operators who do not have permits to operate out of Mala are using that boat ramp to supply Ka'anapali vessels when swells make vessel supply difficult on the shoreline. When Ka'anapali beach users decided boat launches should not remain on Ka'anapali beach, those vessels moved to Mala and are now launched from Mala, without permits. Ka'anapali beach-loading permitted vessels are purported to be using Mala ramp to board passengers when beach-loading it's not safe or practical which is more unpermitted Mala Ramp use activity. All of this cumulated

¹ See 2CCV-21-0000292 (consolidated with 2CCV-22-0000002, both of which concern the denial of contested case hearing petition as to the renewal of Noio Charters, Inc. and Extended Horizons's commercial use permits); 2CCV-22-0000003 (consolidated with 2CCV-22-0000026 and 2CCV-22-22-0000107, all of which concern the denial of contested case hearing petition as to the renewal of Adventure Rafting, Inc. and Ocean Riders, Inc.'s commercial use permits); and 2CCV-22-0000108 (concerning denial of contested case hearing petition as to the renewal of Lahaina Para-Sail, Inc.; Parasail Kaanapali, Inc.; Lahaina Water Ski, Inc.; and West Maui Parasail, Inc.'s commercial use permits).

Chairperson Case and Members
July 7, 2022
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activity contributes to congestion and access issues at this important shoreline access point for the west side.

See Exhibit “A.” This letter was submitted to the Board as part of its consideration of a similar request for contested case hearing filed by Petitioners at the October 8, 2021 Board meeting.

DOBOR also proposes (Item J-1) to expand parking at Mala Ramp. The expansion of parking at Mala Ramp will help relieve pressure from overuse of the area. As DOBOR notes in its proposal, “[i]ncreased tourist activity and population growth in the Lahaina area has placed a great deal of stress on ramp operations and parking at Mala Wharf.” To add to DOBOR’s statement, the use of Mala Ramp and related parking by non-permitted operators have also contributed to overcrowding at Mala Ramp. Therefore, on behalf of my clients, I support DOBOR’s proposal to expand parking at Mala Ramp. Thank you for your consideration.

Mahalo,

GOODSILL ANDERSON QUINN & STIFEL

A handwritten signature in black ink, appearing to read 'Lisa A. Bail', written in a cursive style.

Lisa A. Bail
Attorney for Extended Horizons Inc.; Noio Charters, Inc.; Lahaina Harbor Water Taxi, Inc.; Underwater Safari; Ocean Riders, Inc.; Adventure Rafting, Inc.; Lahaina Para-Sail, Inc.; Parasail Kaanapali, Inc.; Lahaina Water Ski, Inc.; and West Maui Parasail, Inc.

LAB

Encl.



HOUSE OF REPRESENTATIVES

STATE OF HAWAII
STATE CAPITOL
HONOLULU, HAWAII 96813

October 06, 2021

Board of Land and Natural Resources
1151 Punchbowl St.
Honolulu, HI 96813

Suzanne D. Case, Chairperson
Christopher Yuen, Hawai'i Member
Doreen Nāpua Canto, Maui Member

Thomas Oi, Kaua'i Member
Samuel "'Ohu" Gon III, O'ahu Member
Vernon Char, At-Large Member
Wesley "Kaiwi" Yoon, At-Large Member

Re: Supporting Agenda Item J.1. Denial of Petitions for Contested Case Hearing filed on July 27 and 28, 2021 by Nā Papa'i Wawae 'Ula'Ula, Ka Malu O Kahālāwai, Kekai Keahi, and Kai Nishiki, regarding the Renewal of Commercial Use Permits for Extended Horizons Inc., Kaanapali Beach Watercraft Rentals, Inc., Noio Charters, Inc., and Pacific Jet Sports, Inc. for Mala Launch Ramp, Maui.

Aloha Chair Case and Honorable Members of the Board,

Thank you for this opportunity to testify in opposition for the request for contested case hearing regarding commercial users at Mala ramp.

Many of the commercial permit operators out of Mala have been operating there for decades without a negative community impact. While there are issues of parking and access that can and should be addressed, penalizing businesses who have been good faith operators and employers of local people should not be systematically destroyed with reactionary and intolerant prohibitionist actions.

Petitioners' best intentions will create catastrophic economic hardship for good faith actors who give back to the community by way of educational opportunities for local students, preservation of natural resources, guiding ocean users, modeling appropriate behavior for visitors, and the difficult work on safe munitions dismantlement around the state

Activity observations at Mala will show commercial operators who do not have permits to operate out of Mala are using that boat ramp to supply Ka'anapali vessels when swells make vessel supply difficult on the shoreline. When Ka'anapali beach users decided boat launches should not remain on Ka'anapali beach, those vessels moved to Mala and are now launched

Office of Representative Tina Wildberger

Proudly serving the 11th House District

415 S. Beretania St. Honolulu, HI 96813, Room 327

Phone: 808.586.8525 | Fax: 808.586.8529 | email: repwildberger@capitol.hawaii.gov

Exhibit A

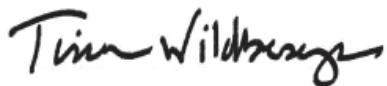
from Mala, without permits. Ka'anapali beach-loading permitted vessels are purported to be using Mala ramp to board passengers when beach-loading it's not safe or practical which is more unpermitted Mala Ramp use activity. All of this cumulated activity contributes to congestion and access issues at this important shoreline access point for the west side.

It might be reasonable to measure how many launches at Mala can be accommodated per hour and coordinate permittees launch times to reduce congestion at the boat ramp. Parking needs to be addressed and commercial clients should not be parking at Mala. Mala permittees should conduct their administrative business outside the ramp and commercial operators who do not have permits to launch out of Mala should be discouraged from using Mala without a permit.

Like so many issues that negatively impact our residents, management of operations out of Mala would go a long way to improve access for everyone.

Thank you for your time and consideration on this important issue. Commercial operators and residents can equitably access Mala Ramp with some improvement in management of this high-use community asset.

Mahalo,

A handwritten signature in black ink that reads "Tina Wildberger". The signature is fluid and cursive, with the first name "Tina" being more prominent than the last name "Wildberger".

Representative Tina Wildberger
House District 11 - South Maui
Kīhei · Wailea · Mākena

Office of Representative Tina Wildberger

Proudly serving the 11th House District

415 S. Beretania St. Honolulu, HI 96813, Room 327

Phone: 808.586.8525 | Fax: 808.586.8529 | email: repwildberger@capitol.hawaii.gov

From: [Lonopele Cabanilla](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] J-1
Date: Thursday, July 7, 2022 9:55:23 AM

Aloha,

I would like to express that we should NOT allow more tourists parking or commercial operations out of our public boat harbor Mala Warf.

Mahalo Lonopele Cabanilla.

[Sent from Yahoo Mail on Android](#)

Chair Suzanne Case and Board Members
Board of Land and Natural Resources
Honolulu, HI 96819

July 8, 2022, Agenda Item J1 & J2

SUBJECT: MALA RAMP

Dear Chair Case and BLNR Board Members,

First, let me say how appreciative I am for your support in denying the requests for contested case hearings regarding our permits. Reviewing Item J1, it appears as though DLNR/BLNR has secured the dirt lot behind the bathrooms for Mala Ramp use. This is great news and we thank you, Chair Case and Ed Underwood for your efforts.

I have been the owner of NOIO Charters, Inc. for the past 36 years and Underwater Safari, Inc. for the past 22 years, operating as Captain Steve's Rafting. I would like to address the major points of contention as brought up by the plaintiffs. Having been physically at the Mala Boat Ramp for almost four decades, some of what the plaintiffs are saying is *simply not accurate* and their targeting of the 16 Mala Boat Ramp permittees is misplaced. We too are feeling the effects of the additional commercial and public activity at the Ramp.

- 1) Over the past few years, there has been a major change to the Mala Boat Ramp usage by commercial boats *that do not have Mala permits*. When the Ka'anapali CUPs were denied the storing of their zodiacs by the State (which are used primarily for their employees to get out to their moored boats) on Ka'anapali Beach, they were forced to the Mala Boat Ramp. That's approximately 16 commercial boats that do not have Mala CUPs that could be, and most are, now parking their zodiac trailers and employee cars at the Mala Boat Ramp. No additional parking was added with the addition of these commercial users. The plaintiffs suing the Mala CUPs have not sued these Ka'anapali CUPs. It would be extremely unfair to ask a company with a Mala permit to lose the ability to park a boat trailer or an employee's car at the ramp while still allowing other commercial permittees to continue to do so without even having a Mala permit.

Some of the Ka'anapali CUPs launch their actual boats from the Mala Ramp almost every time they operate. Their boats are supposed to be moored off of Ka'anapali Beach, yet they pull them out of the water instead of leaving them moored at the beach. This increases ramp usage, again, by non-Mala CUPs.

- 2) Over the past few years, multiple scuba companies have been issued inshore permits out of the Mala Boat Ramp parking lot. These companies are not launching boats yet they are allowed to park their vans in the Mala parking lot, and spread their gear out using another parking spot, or frankly, the middle of the road, while gearing up their guests and giving scuba safety instructions. Every day scuba companies, with a permit and without a permit, are washing their gear down in the boat wash and they set up their gear on the newly painted curb in the wash down area right under the no parking sign. Many private scuba

divers park in the washdown area to drop off their tanks and gear. No additional parking was added with the addition of these private and commercial users.

We have noticed an improvement by some of the inshore scuba companies recently trying to take up less space. We have recently observed scuba customers and their guides parking out on Front Street because they are trying to stay out of the boat ramp area, and they are carrying their scuba tanks all the way from the street through the parking lot without any marked lines or a marked walkway. While the plaintiffs request that no commercial customers park the parking lot, they consistently film and berate people doing just what they asked them to do—parking outside of the ramp and walking in. These in-shore permits have not been targeted by the plaintiffs with lawsuits, yet they are causing many of the issues and they are relatively new to the ramp.

- 3) Maui's population has exploded and so has social media. There are many users of the Mala Boat Ramp parking lot who are not utilizing the Mala boat launch. A lot more people are simply going to Baby Beach next door than ever before. The Kahoma Village housing project that was recently completed also brings many people to the Mala area as it is the only "beach park" within walking distance of these 203 brand new residences. Due to social media, many more people are going snorkeling or scuba diving on their own at the Mala Pier without being on a boat or a guided tour. Mala Wharf is a primary search keyword for snorkeling and scuba diving on Maui. It shows up as the 3rd most input on organic searches that divers are using. Just today (Monday 5/9/22), we observed a snorkeling scooter tour going from the Mala parking lot that we have never seen before. There are those using the parking lot for cars and boat trailers that are illegally living on their personal boats moored at the Mala Ramp mooring field. There are always people sleeping in their cars in the Mala Boat Ramp parking lot. No additional parking has been added since the ramp was constructed to accommodate the increase in public usage of the boat ramp parking lot for beach or shoreline access.
- 4) There are many more residents fishing off from the cordoned off Mala pier, despite clear signage that it is illegal. There are many more residents fishing from shore who are parking their cars *literally* under the no parking signs in the boat staging areas.
- 5) There are many cars parking poorly which blockings portions of the actual road. We experience that every day right along with the plaintiffs. The lack of any lines on the road itself or any parking spot lines is the main contributor to the poor parking of many of the cars. DLNR restriped the trailer parking area when this began last year and that was extremely helpful.
- 6) Having our guests park in the parking lot is a very important part of the actual permit. If there were any parking lots close that we could send our guests to, we would be happy to do that. There is now additional parking out of Front Street that most of our guests are utilizing. Yet the plaintiffs keep saying our guests should not be allowed to park on the street either. Our guests are going on a boat, in a boat ramp parking lot. If our ability to

park our guests near the ramp is taken away, that pretty much invalidates the usefulness of the permits.

Many of our guests are residents that come out on our whale watches repeatedly. How do we explain to these residents that they cannot park in the boat ramp parking lot to go on a boat, yet they could park in the boat ramp parking lot to go to the beach or snorkeling on their own? We also try to bring shuttles down with groups of people, just like the plaintiffs have requested. Yet they repeatedly call to complain that there is a shuttle bus or Ubers or taxis dropping off guests despite their request to have our guests shuttled in. We do our absolute best to get the bus/Uber/taxi companies to drop off near Front Street or the bathrooms but we cannot control the bus/Uber/taxi drivers.

- 7) Almost every single Mala CUP is a small, locally owned family business, and all except one has no storefront. Hawaiian Rafting Adventures has a storefront two blocks away on Front Street. All of their guests park at their storefront. They return their truck/trailer to their storefront. Yet the plaintiffs consistently film and berate this company and their guests for walking as a group from their storefront through the parking lot to the dock. This Mala CUP has two permits and they are doing exactly what the plaintiffs are requesting, yet they are being sued along with every other permittee.
- 8) As they have admitted many times in their own social media videos, the plaintiffs simply do not know who the Mala permittees are or which vessels belong to Mala, Ka'anapali Beach or even Lahaina Harbor (some those boats utilize the Mala ramp after being serviced on land). We know almost all of the recreational and fishing boat owners who use the ramp.
- 9) We do not engage in business activities such as signing waivers on the Mala Ramp. 95% of our liability waivers are completed ahead of time electronically. There is usually less than 5% who are foreigners or who don't have a smart phone. The State is also insured under each commercial operator's insurance as a requirement for their permit. It is in the State's best interest to ensure all liability waivers are properly signed.
- 10) The United States Coast Guard requires us to do a safety briefing, which we give on the vessel after we depart from the dock. Simple instructions as to the dock conditions and how best to load at that moment in time is imperative for safety for anyone getting on any boat (e.g., extreme low tide means a huge step down, surge conditions, etc.).
- 11) The plaintiffs claim the over use of the Mala Pier snorkeling area by commercial boats. This issue in particular is not caused by the Mala CUPs. The gross majority of the commercial boats snorkeling at the Mala Pier are coming from Ka'anapali Beach, Lahaina Harbor, and even Ma'alaea Harbor. It's no longer just an inclement weather elsewhere situation. We have counted 6-8 commercial boats *at a time* snorkeling out over the sunken pier, *none of which* were Mala CUPs. The Mala CUPs launch from the Mala Boat Ramp and go out fishing or scuba diving over to Lanai, or up to Ka'anapali to parasail, or out to whale watch. The plaintiffs are misstating that it is the Mala CUPs putting too many snorkelers in the water at

Mala Pier. Limits could be made on how many vessels can be snorkeling at the same time over the Mala pier similar to the restrictions instituted at Honolua Bay. However, that would involve all the boats from all of the West Side permit areas.

- 12) The plaintiffs consistently insist that we are polluting the waters with bad engines and non-reef safe sunscreen. *This is simply untrue.* Our engines are state of the art four stroke Mercury engines. We only offer reef safe sunscreen. We are inspected *every single year* by the United States Coast Guard (USCG) so we are held to a much higher standard than any recreational boat. We would be subject to fines by the USCG if our vessels were polluting. Which vessels are not inspected every single year? The Ka'anapali zodiacs that launch from Mala, the vessels running illegal charters from Mala, the dinghies taking people to their boats moored off of Mala, and every other recreational boat launching from Mala.
- 13) We thought the maximum loading and unloading time at the dock was 15 minutes until recently. 30 minutes is too long. We want in and out as quickly as everyone else does. I can only say that we are very cognizant of all boats waiting to launch or haul out. With the exception of a very few, we all know each other after decades and most of us communicate with each other, recreational and commercial. Our captains communicate with boats waiting in line and have discussions. Some boats only want one side of the dock or the other, while we can utilize either side. Our boats typically unload and load in less than 10 minutes.

We absolutely acknowledge that the activity at the Mala Boat Ramp has increased over the past 30 years. Maui's population has grown exponentially. We truly feel that the plaintiffs are targeting us even though it is our companies who have been in good standing and are dealing with the same crowded issues they are observing.

The Mala boat ramp does need more parking, as does every boat ramp in the state, and frankly as does every parking lot on Maui for any beach park, shopping mall, or even on our residential streets. We feel these issues need to be addressed before we are forced to limit what we have been doing for decades:

- * The new inshore scuba permits
- * The Ka'anapali boats launching from Mala Ramp
- * The Ka'anapali zodiac trailers parking at the Mala Ramp without Mala permits

We propose these recommendations:

- 1) The dirt lot behind the restrooms is cleared of the harbor renovation materials. We experienced significantly less parking issues with the use of that lot in previous years, although this year, there were rarely problems. *We see in item J1 that DLNR has secured this parking lot for our use and we hope BLNR approves it. This lot will relieve the parking situation greatly.*
- 2) The Mala vehicle parking lot is in bad need of being repaved and lined, as well as the parking spots need to be marked. A marked pedestrian walkway to the ramp would be helpful.

- 3) Unlike other harbors, the Mala Boat Ramp users have long been denied a single shared booth, table, **or even a simple sign** stating the operators that launch from there, which would give the guests a place to gather out of the way. A sign could be located on the grass near the wash down or somewhere else that would be appropriate. The sign could also address parking, reef safe sunscreen, and reef etiquette.
- 4) We have observed a major increase in DLNR enforcement presence at the ramp monitoring and we appreciate it. We suggest cameras at the ramp and in the parking lot so that the Harbor Master can monitor ramp time usage.
- 5) We would welcome additional no parking signage.
- 6) We would welcome additional enforcement for the vehicles parked right under the no parking signs in the boat staging area and the washdown area.
- 7) We would welcome additional enforcement for the residents and tourists alike who park physically in the road, especially near the restrooms. If the road were properly paved and lined, this would become less of an issue.

I would like to close with this. It is my experience having been operating out of the Mala Boat Ramp for 36 years, that most of the boat operators do get along and work with each other. We talk with each other out on the water and at the ramp to coordinate who goes in and out, in order, and quickly. No one wants to wait longer than necessary. We all have a lot of respect for each other commercial or not. In 36 years, I have never not been able to launch my boats for other than weather situations. I simply have to wait my turn.

There is definitely a new, highly vocal anti-tourism sentiment that every hotel, lodging, restaurant and tourist activity are having to experience. We were shut-down entirely for 9 months and then restricted to 50% capacity for almost another 9 months during the COVID pandemic. Because every boating company was restricted, it caused a lot more boats to be used to accommodate passengers during the spring break time when the island reopened in 2021. It has actually settled down and we don't believe the ramp was as crowded this spring break 2022 as it was last spring break in 2021.

Every boat ramp in the state, every beach park, every road, every Costco and Safeway parking lot is busy. If one shows up at a beach park or a boat ramp or a Costco parking lot during the crunch time, you have to wait your turn. The Mala Ramp is no different. It is definitely more crowded on Sundays and holidays especially with people simply going to the beach and not using the ramp which is obvious with the snorkel gear and beach chairs being carried.

Because these community groups chose to file appeals in court, it has been difficult for us to effectively participate in the Working Group and public meetings while the litigation remains pending. I continue to encourage you to explore compromise appropriately, but the Working Group was difficult because it did not afford the usual confidentiality of settlement discussions and would not have resolved the litigation. We truly appreciate the DLNR and BLNR's interest in this matter. We know that any changes to the Mala permits will set a precedent for every small boat ramp in the state.

Respectfully,

Captain Steven Lawless

Owner/President

NOIO Charters, Inc. and Underwater Safari Inc.

From: [Monica Caserta](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Mala
Date: Wednesday, July 6, 2022 4:13:28 PM

Aloha

My name is Imani Caserta. My family and I enjoy surfing Mala. Mala needs better management. The proposal to build more parking to accommodate tourists will make things worse for us locals. Please do not build more parking but instead limit commercial use.

Mahalo ,
Imani caserta

From: [Monica Caserta](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Mala
Date: Wednesday, July 6, 2022 4:12:13 PM

Aloha board members,

My name is Monica Caserta and I was born and raised in Lahaina. I am testifying on item j-1 and I-2. My family enjoy surfing Mala during the summer months. In the last 10 years Mala has become over run with increased commercial activity and tourists at the beach. It's hard to find parking and the increased use is impacting the near shore environment. I am against the state building more parking. I request you to please seek better management by discontinuing the shoreline use permits.

Mahalo

Monica Caserta
honoluamassage@gmail.com
(808)870-1266

From: [Accounting](#)
To: [DLNR.BLNR.Testimony](#)
Cc: [Bail, Lisa A.](#)
Subject: [EXTERNAL] Testimony in support of Agenda item J-1 providing more parking
Date: Wednesday, July 6, 2022 5:05:11 PM

Dear Board members.

My name is Erik Stein. I have been a user of Mala Wharf for 40 years both as a public Lahaina community member and also as a commercial ramp permit holder. I have lived a large portion of my life at Mala in the past 4 decades.

I am writing today in strong support of Agenda Item J1 which creates additional parking at Mala Wharf for all the many users. These additional parking spaces will help alleviate user conflict. I hope that in the future this lot could be paved also and lined, but for now making use of this area "as is" for parking is an excellent move for everyone on the community.

I also strongly support this area space be utilized for overflow trailer parking first and vehicle parking second.

I wish to express my appreciation to both Maui County Public Works and DOBOR for addressing this problem with a very workable solution.

Erik Stein

--

Extended Horizons - Maui

From: [Cy Gabourie](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Items J1 and J2
Date: Wednesday, July 6, 2022 10:28:01 AM

Aloha,

I am a 15 year Lāhainā resident and recreational boat owner. I would like to request further considerations and community input be focused on Items J1 and J2 regarding additional parking at Mala ramp.

The commercial traffic at the ramp is out of control. We have boats being trailered in between two boats that are loading. We have pedestrian tourists all over the piers getting in the way of safe launch and landings. Last week I had to actually ask someone to move to I could get a line on a cleat.

I understand that commercial boats need to launch somewhere and Lāhainā harbor cannot handle that volume as was the plan decades ago. I believe that launching tourists from that pier is not only dangerous due to volume but increases ramp use big time with dozens of pick up and drop offs daily after initial launch.

We also have to compete while trailering a boat with hoards of scuba companies shuttling their people around and doing training and suit ups in the way of vehicles. They literally list Mala wharf as their check in area. How's that for commercial use of community space?

Therefore, I strongly discourage adding additional parking as it only aids the commercial boats and not residents as mala was designed. It will just bring more volume to the area when we should be limiting commercial activities more than we already are.

I dread launching and landing my boat. I pick week days at off hours to avoid the pressures involved in navigating the congested area.

Please, send some representatives to Lāhainā for a town hall meeting to discuss.

Mahalo, Cy

From: [H bay](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL]
Date: Wednesday, July 6, 2022 11:59:43 AM

Aloha e Chair Case and Boardmembers,

I appreciate this opportunity to testify (and understand this is a non-action item) but I'd be remiss in failing to express opposition to the State's proposal to withdraw State lands from Executive Order No. 1314 and issue Right-of-Entry to DOBOR for adding parking to Mala Wharf in Lahaina, Maui. There are Iwi Kūpuna as well as non-Hawaiian burials nearby which will be negatively impacted by the creation of a parking lot and increased pedestrian traffic near their final resting place.

Please do not build capacity for unwanted visitor-related commercial activities. Most of the Lāhainā community feel the pono approach to management of this area should be to reduce or eliminate commercial operations patronized by tourists. Please consider reserving Māla for the traditional & customary users including wa'a and lawai'a, non-commercial kama'aina activities, and wahi kūpuna stewardship.

Mahalo again for your consideration of the generational families of Maui Komohana.

From: [Duke Au Hoon](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Testimony items j1-j2
Date: Wednesday, July 6, 2022 1:30:58 PM

To whom it may concern,

To long Mala Wharf Ramp has been running rampant with over tourism & tourist boating companies. That Leaves no space for us kanaka Maoli & local fishermen alike to use. Tourism companies should be banded from using this harbor period!!!! We Kanaka Maoli need our own Harbor !!!

Strongly oppose additional parking for tourists do to homes needed ifor Hawaiians. To long the state hasn't fulfilled their duty for Hawaiians.

DOBOR and DLNR should come to Lahaina for a community meeting

- Ban all tour companies from using Mala Wharf!

Aloha & Mahalo

Duke H. Au Hoon

Co-Owner of Rachaelrayartcollection LLC.- U'i Gallery

Kala Klip Designs

Hakuole Arts

Makau Lures #makau_lures IG

Aloha e Chair Case & Boardmembers

Regarding BLNR agenda item J-1 to exempt the Mala parking lot project in Lāhainā:

Please do not declare the Mala Wharf parking project exempt from requirements of HRS Ch. 343, and HAR Title 11, Chapter 200.1 relating to environmental reviews.

The longstanding controversy, and multiple contested cases, arising from the mismanagement of our Mala area cautions the Board to exercise careful consideration and due diligence by requiring this project to conduct the research necessary to produce an Environmental Impact Statement.

For the same reason, I ask the Board to apply HAR Title 11, Ch 200.1 to this project in order to protect the community's interests via our system of environmental review at both county and state levels so all parties may be certain that environmental concerns are given appropriate consideration in decision-making along with economic and technical considerations.

Exempting the project from the relevant statutes and administrative rules will exacerbate existing concerns in our Maui community about transparency and equitable representation of environmental problems, public trust issues, and erosion of traditional and customary rights.

I oppose the State's proposal to withdraw State lands from Executive Order No. 1314 and issue Right-of-Entry to DOBOR for adding parking to Mala Wharf in Lahaina, Maui. There are Iwi Kūpuna as well as non-Hawaiian burials nearby which will be negatively impacted by the creation of a parking lot and increased pedestrian traffic near their final resting place. Please ask this project to meet requirements of HRS Ch. 343 and HAR Title 11, Ch 200.1 with robust vigilance.

Regarding Agenda Item J-2 (update, non-action item)

Please do not build capacity for unwanted visitor-related commercial activities. Most of the Lāhainā community feel the pono approach to management of this area should be to reduce or eliminate commercial operations patronized by tourists. Please consider reserving Māla for the traditional & customary users including wa'a and lawai'a, non-commercial kama'aina activities, and wahi kūpuna stewardship.

Mahalo again for your consideration of the generational families of Maui Komohana.

Shayne Nameaatea Hoshino

From: [Summer Inman](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Mala Ramp, J-1
Date: Thursday, July 7, 2022 10:44:29 AM

Aloha,

My name is Summer Inman, a long time resident of the westside. I oppose toursit focused commercial activity at Mala Ramp and the building of a parking lot.

The amount of tourists that fly down our street everyday, turning around in our driveway not looking for my keiki, just to fly back down the road to get a spot to park for their illegal tour their trying to make at Mala is out of control and will only get worse with commercialization and adding parking.

Keep one of the last local westside spots, local for our keiki in the future to enjoy the fishing and surfing that Mala has to offer.

Mahalo nui,

Summer Inman

From: [Kailie Kalepa](#)
To: [DLNR.BLNR.Testimony](#)
Date: Wednesday, July 6, 2022 11:08:48 AM

Aloha,

My name is Kailie Kalepa. I strongly oppose J-1 for many reasons. Building more parking will only exacerbate the current situation. If you build it more tourists will come! Mala doesn't need more parking what Mala needs is management. Proposing a parking lot without a EIS in a historically rich place would be irresponsible of the state. The state needs to LIMIT commercial use especially to the shoreline users. The scuba companies take up parking and walk on the reef everyday. They destroyed a large section of reef below the old Mala pier ruins.

My family and I have been u able to find trailer parking for our canoe on several occasions because of the commercial companies.

I request DOBOR meet with Maui community.

Mahalo

Sent from my iPhone

From: [Kayla Kalepa](#)
To: [DLNR.BLNR.Testimony](#)
Date: Wednesday, July 6, 2022 1:56:24 PM

Aloha my name is Kayla Kalepa. My family and I use mala boat ramp to launch our voyaging canoe. On multiple occasions there was no trailer parking available. Mala Harbor is in need of better management and enforcement. The shoreline users are destroying the reef we gather from. Building a parking lot to provide parking for tourists is a horrible and irresponsible proposal. That lot is often used for overflow trailer parking and should not be changed into parking stalls to accommodate more tourists. Let's be real if you build it they will come and that area is already inundated with too many tourists every day at the ramp and at the beach. I urge the board today to request DOBOR to have a community meeting in our district so that the public will have an opportunity to share their concerns. I am also disappointed that the department isn't sharing any information prior to this hearing on what this briefing entails.

Mahalo

From: [Ke'eaumoku Kapu](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Agenda Item J-1 DOBOR/Mala Wharf
Date: Thursday, July 7, 2022 8:36:32 AM

Aloha Chair Case and Members of the Board,

Mahalo for this opportunity to testify and provide some important facts to this proposed plan to issue a right of entry to DOBOR to allow adding more parking to mala wharf in Lahaina for the purpose of providing more parking for commercial operations/tourism we strongly oppose. For years we have always known this very area is part of a large burial complex and feel that this parking lot will increase the possibility of impacting more pre-contact Hawaiian Burials as well as burials that have been disinterred from the old pu'upuha complex which is the Asian burial ground of Japanese and Chinese descent. I have personal knowledge of this area because I served on the Maui Lanai Island Burial council for 8 years and 4 of those 8 years I served as the chair, and we have dealt with this very area for many years a total of 12 file boxes of Iwi from SHPD was recently re-entered as of last years. may want to seek more information to where the 12 boxes were laid to rest and to also do an extensive AIS that we feel that ground zero of this proposed parking is a part of an older ilina/graveyard please do not allow this area to be covered over and also the area along makai of the Cemetery is a large complex. This whole area should have been designated as a no-build and placed under preservation as a cultural complex and large extensive burial preserve.

It would be in the best interest of the State Board of Land and Natural Resources that this area should be minimized for commercial operation and the major impact of tourist stomping over known burial areas we see many times tourists walking through the cemetery just trying to get to the beach. There is one area for beach access and is already creating conflicts with the adjoining residences as tourists are already using this area to park as we speak. Being unpaved still wouldn't make a difference if it's paved or not. This area should not be used for such a purpose for the fear of impacting more burials.

Again, we strongly oppose this project, and the commercial operations need to stop, and that Mala should be only allowed for what it was originally intended.

Kupuna stewardship, Traditional Customary used for fishing, and non-commercial kama'aina activities.

Mahalo nui for allowing me this opportunity to testify and i pray you take serious consideration to this request.

Ke'eaumoku Kapu

Ke'eaumoku Kapu (Pelekekena)
Na Aikane o Maui Inc.
562a Front Street
Lahaina HI 96761

From: [Krystal-Anne Kea](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] J1 and J2
Date: Thursday, July 7, 2022 10:39:14 AM

Aloha

My family is one of the handful of Hawaiian families who still reside in Mala. Over the last decade the commercial activity has increased so much that it leaves us locals feeling displaced and pushed out. The increased tourism causes impacts to our natural resources. We used to gather limu now no more. I believe part of the problem is the unmanaged commercial tourism in Lahaina. During the pandemic when these businesses were close we witnessed so much life be restored. Families were enjoying the beach and the harbor and we were able to fish off the shoreline because the schools of fish came back. Since the reopening of tourism that has changed drastically. Mala needs management and LESS tourism. I urge the state to stop issuing shoreline use permits to scuba companies and to add on conditions to exhausting permits. The state should also meet with the Lahaina community before any proposal or more parking is considered.

Our local families are what make Hawaii, Hawaii. Please take care and consider us before moving forward with any proposal.

Mahalo

From: [Hailani Keahi](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] MALA BOAT RAMP
Date: Wednesday, July 6, 2022 10:56:22 AM

Aloha

My name is Ha'ilani Keahi. I was born and raised in Lahaina. My family still reside at Mala today. I am opposed to the state building more parking to accommodate tourists. Mala needs better management because the commercial activity is out of control with little to no enforcement. Please request DOBOR meet with the Maui community before making any proposal for more parking.

Mahalo

From: [Keith Keahi](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Agenda item J-1
Date: Wednesday, July 6, 2022 9:50:17 PM

I appose creating parking for tourist utilizing commercial activities operating from Mala boat harbor. All commercial use customers should be picked up and returned at lahaina boat harbor where commercial marine businesses operate. This will free up congestion and parking for community use which has been pushed out due to the mismanagement of commercial permits and the lack of an impact study.

Thank you.

Keith Keahi.

From: [Kaili Keahi-Ng](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] *IMPORTANT* Mala Boat Ramp
Date: Wednesday, July 6, 2022 11:01:14 AM

Aloha

Please do not allow the state to build a parking lot without an environmental impact statement because that area is historically rich with documented mo'olelo and iwi kupuna. That area is also a natural water retention basin because it once was an ancient fishpond.

Mala needs management it does not need more tourists! Locals need relief from tourism not more of it!

Mahalo

Kailipoaiau Keahi

From: [Nipuu Keahi-ng](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Māla
Date: Wednesday, July 6, 2022 10:37:33 AM

Aloha board members,

My name is Nipu'u Keahi-Ng I was born and raised in Lahaina. My family is one of the handful Hawaiian families who still reside in Mala. I am testifying on item j-1 and I-2. My family enjoy surfing and subsistence diving at Mala. In the last decade Mala has become out of the control with the increased commercial activity and tourists at the beach. It's hard to find parking when there's surf because of the commercial companies. I am against the state building more parking at the proposed lot because there's a chance you will uncover iwi kupuna and it serves as a natural water retention basin. I request you to please seek better management by discontinuing the shoreline use permits and adding conditions on current permits. DOBOR should come and meet with the Maui community before making any proposals.

Mahalo

From: [Giant Hawaiian](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] testimony for agenda Item J-1
Date: Thursday, July 7, 2022 11:22:27 AM

I oppose tourist focused commercial activity at Mala Ramp

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Mahalo,
Charles Keoho

From: [sabrina Labrador](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Please Read!!!!
Date: Wednesday, July 6, 2022 11:08:12 AM

Aloha board members,

My name is Sabrina Labrador and I was raised in Lahaina. I am testifying on item j-1 and I-2. For several years my family has enjoyed surfing Mala during the summer months and if not surfing enjoyed being able to relax at the beach and easily get parking. It's so sad to have things changed so drastically and beaches filled with so many tourist. In the last 10 years Mala has become over run with increased commercial activity at the beach. It's hard to find parking and the increased use is impacting the near shore environment. I am against the state building more parking. I request you to please seek better management by discontinuing the shoreline use permits. I feel that it is important to protect little of what we have left that isn't taken over by tourism something we can still share with future generations. There needs to be limits on commercial tourism businesses as well. Leave something for the families that have enjoyed this beach for generations.

Mahalo
Sabrina Labrador

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From: [Tiare lawrence](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Fwd: Mala
Date: Thursday, July 7, 2022 11:48:41 AM

J1 and J2

----- Forwarded message -----

From: **Tiare lawrence** <tiare4maui@gmail.com>
Date: Thu, Jun 9, 2022 at 12:45 PM
Subject: Mala
To: Ed R Underwood <ed.r.underwood@hawaii.gov>, <blnr.testimony@hawaii.gov>, <dlnr@hawaii.gov>, Meghan L Statts <meghan.l.statts@hawaii.gov>, Archie Kalepa <archie@olukai.com>, Kai Nishiki <kai.nishiki@gmail.com>, Kekai Keahi <Kekaikeahi@gmail.com>, Christina Lizzi <christina@lizzi.law>

Aloha

Here is a pic from 6/8/2022 of scuba divers walking on the reef. These companies overtime have contributed to extensive damage of the reef in this area. Shoreline use permits to scuba dive companies should NOT be allowed at Mala Boat Ramp. The customers of these companies also take up parking stalls from ramp users. The Parking lot was at full capacity yesterday and consumed by rental vehicles.

Tiare Lawrence

Sent from my iPhone





From: [Tiare lawrence](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] J-1 and J-2
Date: Wednesday, July 6, 2022 11:37:45 AM

Aloha board members,

My name is Tiare Lawrence. I was born and raised in Lahaina. Mala is where my family and I have gathered for subsistence for generations and enjoyed papa he'e nalu. Over the last 5 years Mala has become inundated with commercial activity. Tourists take up parking stalls and illegal operators take up trailer parking. On several occasions we were unable to find parking for our voyaging wa'a Manaialani. It is absolutely irresponsible of the state to issue shoreline use permits for scuba diving and snorkeling adjacent to an ingress egress area to a busy boat harbor. I have documented on many occasions snorkelers causing hazardous safety conditions for boats coming in and out of the harbor.

I am also completely against DOBOR proposing to build a parking lot to accomodate more tourists without a EA. I oppose the State's proposal to withdraw State lands from Executive Order No. 1314 and issue Right-of-Entry to DOBOR for adding parking to Mala Wharf in Lahaina, Maui. There are Iwi Kūpuna as well as non-Hawaiian burials nearby which will be negatively impacted by the creation of a parking lot and increased pedestrian traffic near their final resting place. Please ask this project to meet requirements of HRS Ch. 343 and HAR Title 11, Ch 200.1 with robust vigilance.

Exempting the project from the relevant statutes and administrative rules will exacerbate existing concerns in our Maui community about transparency and equitable representation of environmental problems, public trust issues, and erosion of traditional and customary rights.

Mala is already inundated with tourists everyday at the harbor and the beach. Also I want to remind the board that at the last hearing the board requested DOBOR have a meeting with the Mala working group. DOBOR had 90 days and failed to schedule a meeting with us. It would be pono for DOBOR to come to Lahaina and meet and engage with the Maui community. Please do not build capacity for unwanted visitor-related commercial activities.

I am available to testify online this friday.

mahalo
Tiare Lawrence

From: [Victoria Martocci](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] July 8, 2022 - Agenda Item J1 & J2
Date: Thursday, July 7, 2022 11:27:20 AM

To:

Chairperson Case and Members Board of Land and Natural Resources State of Hawaii
1151 Punchbowl Street
Honolulu, HI 96813

Re:

Item J-1 - Withdrawal of Portions of State Lands from Governor's Executive Order No. 1314

Item J-2 – Briefing of the BLNR Regarding Commercial Use of the Mala Wharf launch Ramp Area, Island of Maui

Aloha Chairperson Case and Members of the Board of Land and Natural Resources,

My name is Victoria Martocci, a Lahaina resident, and I am writing in support of Item J-1. I appreciate the DLNR seeking solutions for our ever-growing West Maui community to access public spaces. Utilization of the beach at Mala known as 'Baby Beach' has increased exponentially over the past 25 years for access of all kinds as both our resident and tourist numbers have increased. Thank you for considering this solutions-oriented option.

I am also writing to give testimony on non-action item J-2. My husband and I have a small business with a commercial permit at Mala Ramp, and I have given testimony in the past regarding the mis-placed and mis-represented accusations levied against CUP Mala Permit Holders.

The larger area in and around Mala Boat Ramp is a special place that flew under the radar for a long time. It has a sheltered, sandy beach area, it has seasonal quality surf, it also has abundant wildlife around the collapsed pier, and it has public restroom facilities. Permitted commercial activity at Mala has been capped since the mid 1980's; however, with the advent of social media, and factors such as the addition of a new residential community built right across the street, the popularity and notoriety of Mala has increased. This has lead to a steady increase in the non-permitted commercial as well as recreational use at this mixed-use facility. At times, this has meant being patient and waiting our turn for access to the ramp, or the wash-down area, or the parking. It has never resulted in lack of access entirely, but yes, sometimes waiting. In my experience, most boaters are thoughtful about being timely on/off the dock, which depending how far away your truck/trailer is parked can take an extra moment or two. As a result of this consideration and willingness to work together, it is a rare occurrence that boaters make use of the full 30 minute allowable time on the dock.

Mala Boat Ramp itself is prone to sedimentation filling it in, and the south finger-pier is - right now - becoming unusable at low tide because it is once again filling in with sand. I'm concerned and anticipate the likelihood that CUP Permit Holders will be blamed for that inevitable, additional slow-down of only having suitable access at one of the two finger-piers. But blaming any of these external forces exclusively on CUP Permit Holders is wrong-headed and an unreasonable burden on the Board and now the court's time.

My husband and I, as well as the other small group of CUP Mala Permit Holders, have long history of emotional investment in this place. We have participated in various working groups over the years to advocate for Mala to receive dredging, parking lot upkeep, repairs to the lighting, bathroom repairs, etc. We have hosted volunteer land-based as well as underwater clean-ups at Mala. Our company specializes in small group, guided diving, where we educate our customers about marine conservation. The thing is, regarding tourism use of Mala, the genie is out of the bottle; Mala will now forever be a worthwhile place to visit that attracts tourists. I appreciate this opportunity to advocate for our commercial guided scuba tours, versus what in my mind would be the worst possible outcome for caretaking of this special place: self-guided tours by visitors who do not have history, awareness, or emotional investment in this place. Our hope is to continue to guide visitors toward awareness and protection of Mala, Maui, and the planet's marine resources.

Thank you,
Victoria Martocci

From: [FM](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] BLNR 7/8/22 Agenda Items J-1 & J-2
Date: Wednesday, July 6, 2022 11:37:39 AM

Aloha Chair Case & Boardmembers.

Regarding BLNR agenda item J-1 to exempt the Mala parking lot project in Lāhainā:
Please do not declare the Mala Wharf parking project exempt from requirements of HRS Ch. 343, and HAR Title 11, Chapter 200.1 relating to environmental reviews.

The longstanding controversy, and multiple contested cases, arising from the mismanagement of our Mala area cautions the Board to exercise careful consideration and due diligence by requiring this project to conduct the research necessary to produce an Environmental Impact Statement.

For the same reason, I ask the Board to apply HAR Title 11, Ch 200.1 to this project in order to protect the community's interests via our system of environmental review at both county and state levels so all parties may be certain that environmental concerns are given appropriate consideration in decision-making along with economic and technical considerations.

Exempting the project from the relevant statutes and administrative rules will exacerbate existing concerns in our Maui community about transparency and equitable representation of environmental problems, public trust issues, and erosion of traditional and customary rights.

I oppose the State's proposal to withdraw State lands from Executive Order No. 1314 and issue Right-of-Entry to DOBOR for adding parking to Mala Wharf in Lahaina, Maui. There are Iwi Kūpuna as well as non-Hawaiian burials nearby which will be negatively impacted by the creation of a parking lot and increased pedestrian traffic near their final resting place.

Please ask this project to meet requirements of HRS Ch. 343 and HAR Title 11, Ch 200.1 with robust vigilance.

Regarding Agenda Item J-2 (update, non-action item):

Please do not build capacity for unwanted visitor-related commercial activities. Most of the Lāhainā community feel the pono approach to management of this area should be to reduce or eliminate commercial operations patronized by tourists. Please consider reserving Māla for the traditional & customary users including wa'a and lawai'a, non-commercial kama'aina activities, and wahi kūpuna stewardship.

Mahalo again for your consideration of the generational families of Maui Komohana.

Fay McFarlane
Lāhainā

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From: [FM](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Agenda item J-1 DOBOR/Mala Wharf
Date: Wednesday, July 6, 2022 10:16:05 AM

Aloha e Chair Case and Boardmembers,

I appreciate this opportunity to testify (and understand this is a non-action item) but I'd be remiss in failing to express **opposition** to the State's proposal to withdraw State lands from Executive Order No. 1314 and issue Right-of-Entry to DOBOR for adding parking to Mala Wharf in Lahaina, Maui. There are Iwi Kūpuna as well as non-Hawaiian burials nearby which will be negatively impacted by the creation of a parking lot and increased pedestrian traffic near their final resting place.

Please do not build capacity for unwanted visitor-related commercial activities. Most of the Lāhainā community feel the pono approach to management of this area should be to reduce or eliminate commercial operations patronized by tourists. Please consider reserving Māla for the traditional & customary users including wa'a and lawai'a, non-commercial kama'aina activities, and wahi kūpuna stewardship.

Mahalo again for your consideration of the generational families of Maui Komohana.

Fay McFarlane
Lāhainā

Chair Suzanne Case and Board Members
Board of Land and Natural Resources
Honolulu, HI 96819

July 8, 2022, Agenda Item J

SUBJECT: MALA RAMP

July 8, 2022

Dear Chair Case and BLNR Board Members,

Thank you for your attempts to handle this challenging situation with the Mala Permit lawsuits and recommending denial of the contested case hearing requests. My name is N. Scott Mercier and I have been a Maui resident for over 41 years now. I am the President and General Manager of West Maui Parasail. We have 4 Mala Launch ramp permits for our operation. The permits are listed under Lahaina Parasail, Parasail Ka'anapali and West Maui Parasail.

This letter is to explain how we operate using our Mala permits as well as our ORMA permits for Parasailing. Our Parasail season operates from May 16th to December 14th each year. Our boats are parked on trailers and we **DO NOT** operate our Parasail boats during whale season. We have been operating out of Mala Warf launching and retrieving our boats since 1983 and were here when DLNR enacted the ORMA rules back in 1994. We have always stored our boats in the boat yards behind the Mala launch ramp in either Wilson's yard or in Lahaina Welding boat storage area. Our operation is different because we **DO NOT** load customers at Mala Ramp. We load and unload our customers at either Slip #15 in Lahaina Harbor with the use of a shuttle boat, or off of Ka'anapali Beach in front of Whalers Village in the sanctioned ingress/egress zone. We also **DO NOT** park our trucks and trailers at the Mala Ramp parking area – our crew drops the Captain and boat in the water, goes and parks our truck and trailer back at our own parking area behind Mala Ramp parking area – then the crew gets picked up at the dock by the captain. Normally the boat is never tied up at the dock unless we have a mechanical issue or something.

Our usage of Mala Boat Ramp is for launching and retrieving only with. Our Customers check in and load and unload elsewhere. Our truck and trailers are parked off site daily. We have been operating Volvo Penta EPA compliant common rail electronic fuel system, since 2005 and updated all of our parasail vessels with new power packages in the last two years. This is a very clean running system with none of the conventional diesel black smoke issue.

I have seen a lot of changes over the 41 years on Maui. The biggest change in the last five have been the visitors coming and parking to use the Baby beach area as well as the large numbers going scuba diving at Mala. The amount of visitors parking and walking to use the beach and or go scuba diving at Mala has dramatically changed since 2020. My guess is all from social media. The State has removed the large homeless encampment and that has helped with the crime and vandalized vehicles in the area. There are people still living in their cars and Mala is one of the only places the Lahaina homeless come to shower daily.

I understand you are trying to find ways to help with the parking situation. If the County and the State can work together they can take the Parking lot behind the bathrooms, cut down the majority of trees, pave the area and stripe it to provide more parking for all boaters that use Mala Wharf including Commercial and non- Commercial. From the burial sites I have seen in the area cutting back trees in certain locations and paving the parking lot will not disturb where they currently are located. Of course someone will need to confirm exact location of each burial to confirm before doing anything.

It is very hard to read the lawsuits against us and all of the other operators when they are trying to blame all the Mala issues on all the Mala Permit holders. It is not accurate, not fair and not the reality of the situation. If they had a specific issue with a specific operator then those situations can be raised with that operator and corrected. They continue to change their argument. Being on island and launching boats daily I see commercial and non-commercial people working together and not having issues like the law suits suggest. On a daily basis other commercial operators wave me though to launch my Parasail Boats since they know my guys will be driving off for their day on the water and not tying up the dock and or launch ramp. Situations like this are done many times every single day.

We all know the K –ORMA permit holders were forced out of Ka'anapali and are now having to park their trucks and trailers at Mala that is adding to the parking situation. I know you're working on adding restrictions to Mala/ORMA permit holders at Mala Ramp I am hoping that you can see through the smoke and see what is really going on and not put a lot of restrictions on the current permit holders.

Thank you so much for continuing to be supportive of all us small business operators.

Mahalo,

N. Scott Mercier

P/D West Maui Parasail, Lahaina Parasail, Parasail Ka'anapali

From: [Kaile Momoa](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Māla
Date: Thursday, July 7, 2022 8:03:31 AM

Sent from my iPhone Aloha

My name is Kaile Vasquez. I am native Hawaiian and was born and raised in Lahaina. Mala is a special place to our family it is where we learn how to swim, surf, and gather resources. The last few years tourism and commercial activity have inundated this area leaving locals with little parking, damage to the reef, and making unsafe conditions for the boats coming in and out of the harbor. The state needs to do a better job at managing this area.

The proposal to build more parking is a horrible idea this will only create more problems with tourists. What we need is designated local parking stalls, conditions on existing permits, band the issuance of shoreline use permits, and a better enforcement measures of illegal commercial activity. I would like to request the board require DOBOR to host a community meeting in our district.

Thank you

07/05/2022

From: Chad Blair

Owner/Operator | Ocean Riders, Inc.

mauiocentrider@gmail.com

To: Chair Suzanne Case and Board Members

Board of Land and Natural Resources

Honolulu, HI 96819 BLNR

blnr.testimony@hawaii.gov

Re: Items J1 and J2, July 8th, 2022, board meeting

Dear Chair Chase and Board:

Unfortunately, I will be unable to attend the board meeting on July 8th as I will be working. I have had reservations for this date well in advance of learning the date of this meeting. As the owner/operator I am the only boat captain so I am hopeful that the following testimony will suffice in my absence.

It was exciting to hear about item J1 that would put the vacant lot behind the restroom facilities at the Mala Boat Ramp under the control of the DLNR and act as overflow parking for the commercial operators and private boaters alike. This is great news and will do a tremendous amount to alleviate some of the parking issues at the ramp.

Regarding item J2, I am reaching out to address some of the concerns surrounding the Mala Boat Ramp. Specifically, the complaints of the plaintiffs involved in the recent requests for contested case hearings and their current lawsuits against the state and the commercial use permittees (CUP's).

As I cannot speak on behalf of all the permittees at Mala, I do believe many of us share the same points of view and concerns regarding the current issues we are facing. I personally have been owner/operator of Ocean Riders, Inc. for the past 15 years after having taken the operation over from previous owners dating back to 1987. Having been at the Mala Boat Ramp working full time since 2007 I believe I have a good idea of the climate that surrounds the relationships, working conditions and overall day to day activities with respect to commercial and private users of the ramp and surrounding areas.

The following are my opinions and reactions to the current state of the ramp and allegations made by plaintiffs that I have witnessed in person, on social media, and BLNR board meetings.

- 1) Plaintiffs have stated that there has been a recent increase in commercial boating activity as well as an increase in the number of passengers that the commercial boaters are taking out. As it pertains to the actual permit holders of trailerable boats able to load and unload paying passengers from the ramp, the plaintiffs' statement is inaccurate. It has been the same number of CUP's for these boats since the permits were originally issued some 35 years ago. We are all smaller style

vessels, as the permits are limited to trailerable boats with a limited passenger count determined by the state permit and/or the Coast Guard's requirement. The largest boat with the biggest number of passengers allowed at Mala is 15 years old, obviously not a recent increase. There are some newer boats, but they do not exceed the size and passenger count of others. As there has certainly been an increased use of the parking lot, ramp, surrounding beach area, and the snorkel site located outside the ramp over the old pier, the increase is not because of the Mala CUP's for boats. This increase can be attributed to what I believe are more recent permits issued to shore access snorkeling/diving, social media introducing the Mala area as a destination that was virtually unknown to visitors in the past, and private and commercial boats that come from Ka'anapali, Lahaina Harbor and Ma'alaea Harbor.

- 2) Plaintiffs have stated that the Mala boat CUP's are responsible for the overcrowding of the trailer and public parking areas. They are requesting that we, the CUP holders, not be allowed to park our trailers, staff or passengers at Mala. Having access to the facilities at Mala is a huge part of our having these permits. Removing or limiting access to anything but strictly launching the boats would be detrimental if not catastrophic to our business. Again, it's been the same number of boat trailers and passenger counts for the last few decades. Blaming the CUP's isn't correct or fair. The increase in illegal charters, dingy trailers for live-aboards and Ka'anapali beach permit holders have added to the crowding of the parking lots. There are remedies to address these issues and accommodate everyone but putting restrictions on the boat CUP's should not be one of them.
- 3) Complaints by plaintiffs made as to the excessive amount of time the CUP's spend at the ramp to load, unload, sign waivers, and give briefings are also unfounded. The general process for both commercial and private vessels when launching is to put the boat in the water, tie up to the dock and take the trailer to the wash down for a quick rinse before parking and moving boat off the dock. If it is a commercial vessel, the normal practice would be to give a briefing on the dock before loading passengers on the boat, all done in the amount of time it takes to rinse and park the trailer, not excessive time. I can say with certainty that the commercial operators are as fast or faster than any private vessels launching and retrieving. Most of the waivers are signed electronically in advance and those that need to sign at Mala during check in are not adding to the time taken to prep and launch. I believe there is already a 30-minute time limit on having a boat tied to the dock and one would be hard pressed to observe any commercial boat using any more than half the allotted time, the same cannot be said for some private boaters. It is my personal experience and observation that as a whole, the boating community at Mala made up of both commercial and private use get along famously without incident. I/we communicate very effectively with each other and everyone for the most part is very willing to wait their turn, give right of way, and help each other when needed. The commercial operators are also particularly good about recognizing a crowded day with boats in line to launch. We take our boats off the ramp to wait outside the dock area so that others can launch and then return for a quick touch and go to load crew at end of dock so as not to impede on the ability for another boat to launch and tie up.

- 4) The allegation that the boat CUP's at Mala are polluting or damaging the natural resources is also inaccurate. These boats are our livelihood and having them in good mechanical condition is vital to the business. I would venture to say that the condition of the commercial vessels exceeds that of many of the private vessels. I would also contend that the chances of professional captains running aground, bumping into things or causing damage to the ramp facilities is much less than the average private boater.
- 5) I have spoken with most of the other CUP holders, we have already been using and promoting reef safe sunscreens even before the state made any rules.

Over the years there has most certainly been an increase in usage around the Mala Boat Ramp and surrounding area. The increase usage is simply not the long-time permit holders. I, as do other permit holders, have several ideas that would improve the working conditions for both commercial and private boaters at Mala. I would welcome any opportunity to discuss these ideas with you. Overall, I think this entire situation has been grossly overstated by plaintiffs regarding the Mala boat CUP's. The videos, pictures and comments provided by plaintiffs are biased and don't accurately reflect what is actually happening at the ramp day to day. Are there heavily crowded days? Yes, but that is not the norm, and I am not personally aware of anyone that has been denied access even on the most crowded of days.

I appreciate the work the Board is doing and respect the difficulty of the situation. Please feel free to reach out if you have any questions, comments or would like any additional testimony.

Respectfully,

Chad Blair

Ocean Riders, Inc.

808-757-0622

Mauiocceanriders@gmail.com

From: [J](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] J-1 & J-2 (Mala)
Date: Wednesday, July 6, 2022 4:52:22 PM

Dear Ma'am or Sirs,

I am a local resident providing testimony in regards to J-1 & J-2. I strongly oppose the recent proposal to create more parking to accommodate tourists near the Mala Boat Ramp. Local residents are already limited in enjoying our own island & sacred spaces and now a perceived continuous loss with this increasing onslaught of tourists. There needs to be better management & oversight of tourist activity on Maui. I'd like to take the opportunity to encourage the DOBR & DLNR to meet the community members of Lahaina to discuss these valid concerns. There needs to be better management of our shoreline/ocean activity in regards to tourist activity such as banning future issuance of shoreline permits to scuba diving companies & limiting tours to each commercial use permit. These are just the steps needed now to protect our community resources & for the well being of our local residents & for the future for our children.

The monies that are proposed to be used for this project should be reallocated towards investments that will directly benefit our local community & ensure our resources remain protected.

Sincerely,

Jocelyn Olivas

Sent from my iPhone

From: [Jessica Pickering](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Item J1- & J-2 testimony in favor of new parking at Mala Pier
Date: Wednesday, July 6, 2022 7:01:48 PM

Aloha,

Thank you for considering use of the parcel of land behind the bathrooms at Mala Pier for extra parking in items J1 & J2. In years past that has always been over flow or oversized parking for extra trailers or cars until they started construction on the Lahaina harbor project and used it as a temporary staging ground. I noticed recently that most, if not all of that material is gone now and I think it would be wonderful to designate that land for parking. It would help alleviate some of the congestion we see now because the property was taken away for other use.

I see the same group opposing the permits at Mala, the same group who complain about parking problems, promoting negative testimony to this decision on social media. It seems that their complaint was parking and you're providing that again. They should be happy but they are opposed to the very thing they are asking for. I just don't think there is any winning with that group. I think this is a great idea, it's the way things were before 2020/2021 and we didn't have these complaints back then, so I think returning that to parking is a wonderful solution that would be welcome by any community member who doesn't have a hidden agenda to fight for. I live across the street in the Kahoma Village housing development and this would also help with the beach parking problem in our neighborhood.

Kindest Regards,
Jessy Pickering
Owner
Maui Diving

From: [Kanani Puou](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Testimony for Mala Ramp
Date: Thursday, July 7, 2022 6:30:06 AM

Aloha All,

My name is Kanani, I am a resident of Lāhaina.

I am submitting my testimony for item J-1 & J-2.

I strongly oppose additional parking for tourist and commercial activity businesses.

I request that DOBOR & DLNR come to Lahaina to have a public community meeting.

I also believe that banning future issuance of shoreline permits to scuba diving companies.

Limiting the tours for each commercial use should also be included.

The commercial activity at Mala is out of control and needs to be managed properly.

Thank you for your time.

Aloha,
Kanani P.

From: [Tara Rojas](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Testimony on Item J-2 & Community Meeting Request
Date: Wednesday, July 6, 2022 10:23:26 AM

Aloha,
Please do what is PONO and host a Community Meeting with the Māla Working Group & DOBOR in Lahaina.

There needs to be better management of commercial activity and a definitive BAN on shoreline use permits.

ABSOLUTELY NO PARKING LOT built for and STOP the catering to tourists.

NUMBER ONE PRIORITY is upholding kuleʻAna of and for - cater to - Kānaka Maoli and local residents, in that order.

Never mind with this failure of no meeting and ignoring emails, stop this HEWA.

Hawai‘i is Hawai‘i bEcAuse of Hawaiians...NOT bEcAuse of tourists. Never was and never should be.

People over Profit. Period.

Do what is PONO.

Mahalo,
Tara Rojas

From: [Donelle S](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Mala ramp
Date: Thursday, July 7, 2022 9:02:03 AM

On behalf of my 'ohana and the people who love our land and natural resources, from generations before me and generations that supercede me, please listen up.

My kūpuna were and currently ARE lawai'a who live, worke, and sustain our family from Māla, Lāhainā. Over the last 20 years we have witnessed first hand the amount of rude, ignorant, and disrespectful commercial businesses launch from Māla.

On item j-1 and j-2, my ohana strongly opposes additional parking for tourists, and we request that the future issuance of permits for commercial businesses be against the law.

Please consider having a community meeting before approving any further damage.

Mahalo nui,
Donelle Sakuma
Waikapu.donelle@gmail.com

From: [Uilani Tevaga](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] item j-1 and j-2
Date: Thursday, July 7, 2022 7:05:52 AM

Aloha,

My name is U'ilani Tevaga and I STRONGLY OPPOSE Additional parking to accommodate tourists and more detrimental commercial activity.

It is baffling to us all in Lahaina at the amount of visitors not just on island but specifically Mala boat ramp and Baby beach.

The amount of tourist in the area is out of control. It was once a very empty beach with Local and lineal descents using the beach for recreation, gatherings, cultural activities but Now it looks like California. Packed from corner to corner.

The commercial scuba schools and boat tours HOVER over the remaining vibrant reef, often spraying their toxic sunscreen and often our children have made comments on how the water feels FILMY. the water once clear is often clouded because of the over crowded use.

I IMPLORE your representatives to Host a community meeting so you can hear and see first hand for yourselves how this beach needs MANAGEMENT not more accessibility for companies who bring boat loads daily and make it hard for the resident fisherman and families to even come into the area.

We are also apart of the hawaiian sailing canoe ohana and unable to bring more educational groups from the community because the visitor over capacity.

There is kaanapali less than 10 min away, there is kapalua and napili bay that have all been completely taken over by tourists and it is MADDENING to have yet ONE MORE place where we the hawaiian and Local community are being pushed out of.

Please have a meeting and Please DO NOT allow this parcel to be turned into parking. lot. it will bring more damage to reef and to our community.

Thank you for your attention in this matter

From: [Charkel Vasquez](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Māla
Date: Wednesday, July 6, 2022 9:47:17 PM

Aloha my name is Charkel Vasquez. My family surf and gather at Mala Beach. It was brought to my attention that the department is proposing to build additional parking to accommodate tourists. This is a horrible idea. This will only exacerbate the current problem at Mala which is overuse and over commercialization of both the boat ramp and the neighboring beach. The shoreline users and the snorkelers offshore are dangerous and hazardous in the entrance and exit of the boat ramp. It's just a matter of time before someone gets run over by a boat. For years our concerns have fallen on deaf ears. The community is so frustrated that it's just a matter of time before there's more conflict. To avoid this I urge the board to require DOBOR host a community meeting in Lahaina town. I would also urge the board to ban the issuance of Shoreline user permits because they are destroying the reef, causing safety hazards, and taking up parking stalls.

Mahalo