
Laurie Baker

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September 19, 2023

Board of Land and Natural Resources

State of Hawai'i
Honolulu, HI

Dear Land Board Members,

For your consideration today is a request to approve the location and course of the Public Trail to Ho'olawa Landing and request exemption from chapter 343.

I respectfully ask that you approve all items in the request.

As I imagine you are aware, access to our coastline is an important part of the culture of the islands of Hawai'i. We hear of Condominium owners & private landowners blocking access to the beaches in West & South Maui quite often. Maui's North Shore is an area that does not often bring much attention as there are not many sandy beaches and much of the shoreline is rocky cliffs. This is what makes Ho'olawa Bay a rare treasure to the residents of the North Shore. It is one of the few areas where the Ocean is easy to access for all. It offers the opportunity to fish & dive to feed your family, swim for recreation and the beauty is astounding. The freshwater pools are a wonderful place to cool off and for children & family dogs to play.

I have enjoyed many days at Ho'olawa Bay with my family and many times the journey has been difficult due to the actions of the landowner referred to in the well written request. I have personally been cursed at and threatened by a caretaker of the property in question. Other neighbors have been the victim of

frivolous lawsuits and other intimidation and lies. We have followed the direction of Scott Fretz as to how to access the Bay and we constantly have to deal with new wire fencing, reinforced with barbed wire, and now a sign which threatens to SHOOT TRESPASSERS and numerous security cameras. For a short time, the landowner had a caretaker who recognized the importance of the trail and left the gate open. That was the best summer ever. We went every Sunday with other neighbors until the gate was again locked and the signs went up.

I feel the information in the request is “spot on” and is the best way to ensure the safety and welfare of the public for generations to come. It is time for the State to reclaim this important resource for the people of Hawai'i.

Mahalo for your time and attention to this matter.

Sincerely,

Laurie Baker

CASE LOMBARDI
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September 20, 2023

Board of Land and Natural Resources
Chairperson Dawn N.S. Chang
1151 Punchbowl Street
Honolulu, Hawaii 96813

Re: State Trail to Ho'olawa Landing
TMK (2) 2-9-001-032

Dear Chair Chang and Members of the Board:

This office represents Oho'olawa Gardens, LLC and Mr. Richard Perry with respect to the above-referenced matter, which is scheduled for hearing on September 22, 2023.

Mr. Perry is currently traveling internationally and unavailable to attend the hearing. Mr. Perry has worked with DLNR on this issue for many years and is anxious to bring this matter to a final resolution. However, there are a number of issues that Mr. Perry would like to address with the Department in determining the ultimate location of the trail, including security, signage, and enforcement.

Mr. Perry will return to Hawaii in early October. We respectfully request that the hearing on this matter be deferred to a later time to allow him the opportunity to discuss this matter further with staff and the Deputy Attorney General prior to a hearing in front of the Board.

Very truly yours,

CASE LOMBARDI
A LAW CORPORATION



David G. Brittin

DGB:2023-412



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September 18, 2023

Via USPS First-class Mail and Email: blnr.testimony@hawaii.gov

Board of Land and Natural Resources
State of Hawai'i
P.O. Box 621
Honolulu, HI 96809

RE: Agenda Item C-1, Meeting of September 22, 2023

Dear Land Board Members:

This letter is to submit written testimony on behalf of my client, Robert Zywicki, to support certain aspects in item C.1 on your agenda for September 22, 2023.

Mr. Zywicki's owns property at 600 Ho'olawa Road, Haiku, Maui, Hawaii 96708, bearing TMK No. (2) 2-9-002:013, which is his sole residence and has been for the last 33 years. Mr. Zywicki's property is one of the properties in the vicinity of where the proposal seeks to locate a trail to Ho'olawa Landing. He has serious, and so far unaddressed, concerns about traffic, parking, the ability to control the number and behavior of persons accessing the Ho'olawa Landing, and emergency access, if a trail is recognized in the area. The trailhead has no parking available, there are no bathrooms or facilities, and the area is the next stop after Twin Falls (a site often overrun with tourists) on the Road to Hana. The winding road to what will be the de facto trailhead is rough and extremely narrow. Any increase in traffic down the road would be virtually impossible to mitigate. Moreover, the de facto trailhead contains the entrance driveways to adjoining properties in multiple directions, including access to Mr. Zywicki's home. In short, any step that would tend to increase traffic or visitors to the area is completely wrong-headed, and could be disastrous to the neighborhood and occupants of the area.

That said, if there is a historic trail providing access all the way to Ho'olawa Landing, such that there is simply no choice but to have a public access point in the area, the plan for locating it as shown with the yellow dashed corridor on Exhibit D and Exhibit E to the proposal is acceptable to Mr. Zywicki. This area, labeled as the present-day course, is cleared and graded and appears appropriate for pedestrian travel. Comparatively, the area depicted as the white dashed line, labeled Registered Map 862 course on Exhibit D and Exhibit E, is completely inappropriate for public access, as it traverses steep, muddy terrain and goes directly through trees, some of which are quite large and appear to be over 100 years old; that route would be completely inappropriate for any access, and it is plain that it has not been used as such, if ever, for an extremely long time.

Thus, if trail access is required, Mr. Zywicki would support the Division's proposal as to keeping the

September 18, 2023

Page 2

present-day course as depicted in Exhibit D and Exhibit E. Mr. Zywicki takes no position on the remainder of the proposal, and reserves all rights, nothing is waived.

Sincerely,

A handwritten signature in black ink, appearing to read "Loren Tilley". The signature is fluid and cursive, with the first name "Loren" and the last name "Tilley" clearly distinguishable.

Loren K. Tilley, Esq.
Attorney for Robert Zywicki

From: [Dean Kentala](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Division of Forestry and Wildlife's request to establish a trail to Hoolawa Bay, Item C-1
Date: Thursday, September 21, 2023 5:22:15 AM

Aloha,

My name is Dean Kentala, I've been a homeowner in the Hoolawa neighborhood with my partner for 10 years. I'm writing in support of the Division of Forestry and Wildlife's request to establish a trail to Hoolawa Bay.

The property owner in question has repeatedly denied access to Hoolawa Bay by erecting barriers, signage, physical threats and threats of lawsuits. He uses the threat of lawsuits as a tactic to bully anyone who challenges his claim the state road easement is no longer valid. The residents of Hoolawa are in no financial position to defend themselves in a civil lawsuit or to pursue a legal challenge for access.

Public access to the ocean is slowly being eroded throughout the island, very few neighbors even know about the legal access to the bay because the property owner has had access blocked for so many years.

When my neighbors and I have been able to access the bay, it's a magic place on the north shore which should be shared by everyone.

Please establish a walkable, easily accessible, safe trail on the existing road easement to Hoolawa Bay.

Mahalo,

Dean Kentala
442 Hoolawa Road

Sent from [Mail](#) for Window

From: [David Langille](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Ho'olawa Road Access
Date: Wednesday, September 20, 2023 4:43:31 PM

Aloha,

We are writing this in opposition to the opening of Ho'olawa Bay to public access.

Ho'olawa Bay is an isolated rocky shoreline often with high surf on the Windward side of Maui This area is without any public facilities available (no restrooms or garbage receptacles) and a distance from emergency assistance should it be needed. Years ago we had an incident where a fisherman in trouble passed away while waiting for help. It took 50 minutes from Makawao for the paramedics to reach the Bay including the last portion on foot.

Ho'olawa Road is substandard, and narrow with numerous blind corners. Would the State be liable for accidents occurring on Ho'olawa Road which is owned by the State but not maintained by it?

There is very limited parking space on state land at the end of Ho'olawa road which would mean parking on private land and blocking resident driveways.

We have lived on property adjacent to this proposed access for 26 years and

were not advised of this meeting taking place to discuss issues that could profoundly impact us and our community.

To open up this "trail" to the public would add congestion to the hazards of our narrow road and trash to Hoolawa bay. Our "local" community already know

how to access the Bay

Please do not invite disaster to this end of the road by encouraging visitors to use it and cause overcrowding and unsafe conditions.

Mahalo Nui Loa,

David Langille
Sherry Allison
630 Ho'olawa Rd
Haiku, Hi 96708

Sent from my iPhone

From: [Ashlie Vander Velde](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] OPPOSED to Ho'olawa Landing Trail Access
Date: Wednesday, September 20, 2023 9:53:25 AM

My name is Ashlie Vander Velde. I live at 590 Ho'olawa Rd, which is very close to the proposed public access trail.

I am strongly opposed to this access being opened up, due to the total lack of infrastructure being provided by the County or State in regards to this project. Please consider the impacts on those who live here when making your decision. Maybe you have never driven out here for a visit. Please do not make a decision in favor of this access being opened up without physically seeing what it's like here. It's not suitable for the amount of traffic that will come here.

Ho'olawa Rd receives NO MAINTENANCE OR FUNDING from the County or State. Ho'olawa is a winding, one and a half lane country road that is maintained by the people who live here. There will be many extra cars coming down our road once the word gets out that Ho'olawa Landing is the new touristy place to go. There are hundreds of visitors to Twin Falls every day, so if a fraction of them decide to come down here, that will be a disaster. The intersection of Ulalena Loop and Hana Highway is already dangerous due to tourists doing U-turns all the time, and opening up this trail will make that intersection much worse due to increased traffic.

What is the plan for maintaining the road by the County or State? Or are we the neighbors just expected to fix every pothole that is created by the traffic increase? Where will the vehicles park? There is no parking lot near the public access, the road itself is not a full two lanes, so if a car parks on the road itself, then larger vehicles will be blocked from moving through. Will a fire engine be able to get through if the entire road is clogged with tourists parking poorly on a narrow road? Where will the porta potties go, in the middle of the "trail"/driving road? Where is the funding for bathrooms coming from? What if crime increases, as criminals always follow tourists, will there be additional police cruisers assigned to this site? What if a tourist is blocking my driveway? Will a tow truck be out here in a timely manner to remove it? Where is the comprehensive plan that I can review to see how the County or State plans to deal with all of these concerns?

I have not seen any plan at all, I have just seen an ongoing argument between a few neighbors who want to get their way. These few neighbors only represent their own personal interests and do not represent the hundreds of people that live in the area.

Please do not approve this access until there is a formal, well thought out, financially backed plan to support the reality of the effects it will have on this road and the people who live here.

Ashlie Vander Velde