

ORIGINAL

Malama Maha`ulepu Malama Maha`ulepu Malama Maha`ulepu

**The Hawai`i State Land Use Commission
Regarding SPO5-399 Kauai ATV, LLC (Kauai)**

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State of Hawaii

November 1, 2005

Dear Members of the State Land Use Commission:

Malama Maha`ulepu is a 501 [c] [3] non profit working to preserve, for future generations, the irreplaceable natural and cultural resources of Maha`ulepu, Kauai. We believe that the Kaua`i community and its visitors deserve the continuing experience of this beautiful and historic place as an undeveloped area with compatible agricultural, educational and recreational uses. To achieve preservation we educate ourselves and others about Maha`ulepu.

As the organization's coordinator and on behalf of Malama Maha`ulepu, I send the following request and comments about Kaua`i ATV LLC's request for a special permit for expanded recreational activities and associated amenities in the Koloa region.

Use of Coastal Maha`ulepu

The coastal area of the ahupua`a of Maha`ulepu, with beaches, dunes, bays, limestone headlands, and wetland areas, is natural and cultural resource-rich, stunningly scenic, well known and well used. Residents swim, picnic, fish, dive, hike, bicycle, surf, boogie board, windsurf and kite sail. Although Maha`ulepu is remote and without paving, signs, or sanitation, visitors find and connect to this special area which was "Number One" in the *101 Things to Do on Kauai* from about 2001 - 2004 and is now, thankfully, number 12. All of the guidebooks extolling "hidden and secret" Kaua`i describe Maha`ulepu as a "must see."

While the activities at Maha`ulepu are numerous and the number of users is significant, Maha`ulepu is a place of solitude and refuge, a renewing retreat. The prevailing sense of quiet and of being in a sanctuary at coastal Maha`ulepu is appropriate: the dunes there are known to be extensive burial areas, associated with legendary pre-contact and historic battles. Residents appreciate Grove Farm's management of coastal Maha`ulepu: the area is gated off in the evenings and opened early each morning.

ATVs are not compatible with spirit and uses of the coastal area of Maha`ulepu. Increasing the number of all terrain vehicles, as requested in the permit, may be permissible, but **all ATVs should be prohibited from coming past the guard gate and into the Maha`ulepu coastal region.**

Kauai ATV currently uses the Maha`ulepu coastal area. When the pool area at Kipu

Falls is dirty or dangerously turbulent due to upland rains, Maha`ulepu is utilized as an alternative picnic and swim spot for the splendidly muddied ATV riders. At those times, the riders bounce and rev, rev, rev to lovely Kawailoa Bay where their swarm-like arrival and departure is noisy – jarring - and disturbing indeed. In addition, parking is very limited at Kawailoa, and the ATVs, even when carefully parked next to and behind each other in a phalanx, and their support vehicle do take up a swath of that limited area.

With the expansion of Kaua`i ATV's use of Waita Reservoir, the lunch and swimming segment of the ATV tour should occur only at Waita reservoir on those days when Kipu Falls is not safe.

Another consideration, which precludes use of Kawailoa and other beaches at Maha`ulepu, is that those areas are in the Conservation District as can be seen on Map No 1 (posted on the LUC website). Commercial use of the beach requires a Conservation District Use Permit (CDUA).

Use of Maha`ulepu Valley

From the maps on the LUC web site, I presume that the green trail which largely encircles Maha`ulepu valley is the "Alternative" to the Koloa Trail and the Waterfall Trail. I understand, from a taro farmer in the Maha`ulepu Valley, that with loi kalo returned to Maha`ulepu waterfowl have returned. The koloa (Hawaiian duck), `alae ke`oke`o (American coot) `alae `ula (common moorhen) are present. (There are a couple of leases in the valley to grow taro. The crop is irrigated by water from Waita Reservoir which is now piped through the historic ditch system.) Nene, relatively common to the area, are seen in the valley too. The waterbirds are shy, hide in the ponds, and do not seem to be disturbed by the ATVs circling the valley. Whether that apparent compatibility would be affected by more frequent tours or an increase in the number of vehicles, I do not know.

Nevertheless, minimizing use of the valley route is advisable. Maha`ulepu Valley is historically important: sugar history goes back to Chinese growing and milling sugar there before the establishment of the Koloa Plantation in 1835; there are archaeological sites and known Hawaiian habitation areas; agricultural uses continue here. A future quarry was allowed by County and LUC special permit in 1993. This 140 acre basalt and limestone quarry was supposedly conditioned to "be operational" by 1995, but, as yet, the quarry is only staked and the ATV route passes right by the site.

Questions and Observations About the Staging, Speedball and Paintball Areas

From the maps, I have a couple of questions:

- What are the sizes and boundaries of the speedball and paintball areas? The maps show no boundaries.
- How long is Kaua`i ATV's lease for use of the lands?
- How long will the special permit be in effect?

I can't imagine that nighttime use would be allowed or that these activities would have any lighting? That would certainly be a mistake. There is a Nature Conservancy preserve (Kaluahonu) of about 275 acres for the Newell's shearwater on the ridge of the headwall of the ahupua`a of Pa`a.

A Plea for Requiring Opportunities for Public Use of the Area


One of Malama Maha`ulepu's primary motivations to work proactively for preservation of the last undeveloped coastal area in Po`ipu is the mixture of sadness and "huhu" felt by long time resident's at the steady loss of access to resource and recreation areas, to cultural sites and to open space. This is a measurable outcome of the transition from the economy based in the sugar industry to the present economy based in the real estate/tourism industry. Since the seventies, Kaua`i's coast has been transformed by construction of hotels, condos, timeshares and huge homes. New landowning residents and former sugar plantations have attenuated or closed trails and roads which area residents once were allowed to use for mauka and makai access. This special permit for use of Waita and the surrounding Koloa lands (12,437.79 acres!) is another example of commercial interests, primarily for visitors, being granted use of an area formerly enjoyed by and now closed to the area's longtime residents.

Please consider **requiring limited and controlled public use days**. An example of this is the National Tropical Botanical Garden at Lawai where residents can enjoy a free, self-guided tour of the Allerton gardens daily. Reservations are required.

Everyone deserves and needs times of quiet. **Please consider limiting the days of operation** for the ATV tours, paintball and speedball to 6 days weekly. Please allow residents a day each week when they can register to walk and bicycle most of the roads, to fish in the reservoir and to hunt mauka during prescribed hours.

Thank you for your attention and work.

Respectfully and with aloha,


Beryl Blach, Coordinator