

Subj: Fw: Laniakea Turtle Concerns/Task Force
Date: 8/22/2006 1:04:22 PM Hawaiian Standard Time
From: johnn001@hawaii.rr.com
To: johnn001@hawaii.rr.com, Jokaloke@aol.com, Jennifer.Metz@noaa.gov
Sent from the Internet (Details)

— Original Message —

From: [Denise Antolini](mailto:Denise.Antolini)
To: [Nancy John](mailto:Nancy.John)
Sent: Tuesday, August 15, 2006 7:27 AM
Subject: Fw: Laniakea Turtle Concerns/Task Force

Nancy -

This is the letter I wrote long ago (last summer) about this issue.

If you wanted information on "how to start an MLCD" or want to talk about turtle laws, let me know.

Best regards,

Denise

— Original Message —

From: [Denise Antolini](mailto:Denise.Antolini)
To: repmagaoy@Capitol.hawaii.gov
Cc: jill.l.komoto@hawaii.gov; [Melissa Bos](mailto:Melissa.Bos); [Reed Matsuura](mailto:Reed.Matsuura); [Maria Carnevale](mailto:Maria.Carnevale); [Blake McElheny](mailto:Blake.McElheny); [Larry Mcelheny](mailto:Larry.Mcelheny); sallyyoungblood@hotmail.com; corasanchez@hawaii.rr.com; 'The Leinau People'; mike@conservationpractice.org; [Scott Atkinson](mailto:Scott.Atkinson); [Debbie Gowensmith](mailto:Debbie.Gowensmith); meadec001@hawaii.rr.com; [Antya Miller](mailto:Antya.Miller); 'CASLER, Bruce'; [Doug Cole](mailto:Doug.Cole); 'Jason Philibotte'; tpartner@audubon.org; wayneholu@aol.com; [Toni Sickler](mailto:Toni.Sickler); Athline.M.Clark@hawaii.gov
Sent: Sunday, August 07, 2005 10:04 AM
Subject: Laniakea Turtle Concerns/Task Force

Aloha Mike -

It was nice to see you the other night in Haleiwa at the DLNR Marine Managed Areas meeting. I look forward to following this important issue with you in the next Session.

I am writing this letter as a concerned resident of the North Shore and as someone familiar with the laws protecting Hawaii's Green Sea Turtles based on my 17 years of experience working in the environmental law field.

As I mentioned to you after the meeting, I believe that the situation at Laniakea regarding the explosion in tourism around the Green Sea Turtle feeding area, which is essential habitat for the turtles even if not officially designed as such, deserves your immediate attention. Many, many North Shore residents have raised this issue informally (see the last two issues of the North Shore News) and have mentioned it to me over the past several months. In my view, the key concerns are:

1. **Turtles.** The obvious harassment of the turtles, which are listed as a Threatened Species under the federal and state Endangered Species Acts. Harassment of turtles (e.g., by feeding, touching) can be considered illegal "take" under both acts and subject to criminal and civil penalties. Stories abound about tourists feeding turtles lettuce and junk food, riding on their backs, posing for photos by manipulating them or even putting cigarettes in their mouths. These acts are not only deeply offensive but illegal. Even though the Green Sea Turtle is on the rebound in Hawaii, it is still a protected species deserving of our utmost attention. Turtles are an ancient species that are beloved worldwide and clearly are a major attractor for tourists, but more importantly they are culturally important in Hawaii, a source of pride and wonder for residents, and a strong indicator of the health of our oceans. On the North Shore, we are very lucky to have an apparently healthy and growing turtle population. We have a responsibility to protect the turtles. It is our kuleana.

2. **Traffic.** The severe traffic problems along Kamehameha Highway. As you know, the backup along this stretch during the Summer are chronic, and have increased substantially, if not exponentially, in the past two years. The result is not only safety hazards (e.g., rear ends, road rage, breakdowns) but delays for residents trying to reach work and school. Laniakea is now often worse than the traffic backup at Waimea Bay.

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3. **Safety.** The highly risky safety situation for both visitors and tourists who are crossing the highway in unprecedented numbers. In particular, I am deeply concerned about tourists unfamiliar with the traffic and families *with children*. People often dart back and forth across the highway without looking carefully, or leave family members behind on one side while running across, causing even more risks. I've been told that accidents in this area are on the rise, and I fear that a major tragedy may happen soon without immediate safety measures. Residents who are aware of the situation and try to slow down and allow tourists to cross the street are then sometimes at risk for fender-benders and the anger of cars backing up behind. The State Department of Transportation, which is responsible for safe highway design, including shoulders, needs to take even temporary action soon to avoid not only the accident but the liability. At minimum, perhaps unobtrusive, cost-efficient temporary measures can be put in place such a crosswalk and rumble-strips until a the master plan for parking and amenities comes into place.

4. **Tourism.** The uncontrolled tourism, primarily from "eco-tourism" vans and limousines that use this area are problematic from many perspectives.

First, they often park illegally. Please see the Letter to the Editor by Kevin Chong in the most recent (August 3, 2005) issue of the North Shore news for more details, including the license numbers of these vehicles. This creates even more safety problems as they often unload passengers onto the highway and protrude into traffic, or simply are a distraction to drivers.

Second, they are allowing their passengers to overcrowd the beach and harass the turtles. This small end of the beach often has 20-50 people in the water, many snorkeling.

Third, they are using the beach area (the nice, calm end of Laniakea Beach) as a public toilet. Since there are no other options, the tourists are obviously using this area for a illegal pit stop. My guess is that the fecal coliform count in this area is very high. This is unconscionable.

Fourth, their use of the area is unsightly. It is commercializing our public beaches in the most inappropriate way.

Fifth, the problem itself has triggered signs from agencies and signs and trash cans publicizing the turtles by individuals apparently attempting to educate tourists, further attracting people to the area and creating an unsightly mish-mash of commercialism and signs.

There are other concerns, but these are the primary ones from my perspective.

Now, what to do? You are the right person, in my view, to take the lead on this issue not only because it is within your district but also because you have the ability to pull together the diverse set of stakeholders that are critical to resolving the problem and protecting the resource and community. Particular now, off-session, is the time to convene a sensible task force to address the issues in a thoughtful way.

Therefore, I suggest that you convene a Laniakea Beach Task Force that would pull together all the major players on this issue, conduct an immediate site visit to the area during peak visitor hours, hold well-publicized public meetings in Haleiwa and Sunset, and work out some effective solutions as soon as possible. In addition to Senator Bunda and yourself, the players would include, at least:

1. **Federal:** U.S. Fish and Wildlife Service (jurisdiction over turtles on land, and there is basking activity in the area) and the National Marine Fisheries Service (turtles in the ocean), including especially George Balazs.

2. **State:** State Department of Transportation (highway and shoulder); State Department of Land and Natural Resources (because the turtle is a state-listed protected species); State Department of Health (water quality, lack of sanitation); State Attorney General (liability for unsafe highway situation); Hawaii Tourism Authority (to address the marking of Laniakea, which has so obviously pushed up the number of visitors); The University of Hawaii faculty involved in research in the areas of concern.

3. **County:** City Parks and Recreation (beach jurisdiction and upcoming master planning process); Honolulu Police Department (illegal parking, illegal signs); Councilmember Delacruz (I spoke with Reed Matsaura about this yesterday).

4. **Local residents:** North Shore Neighborhood Board, Sunset Beach Community Association, any associations of residents along Papailoa and nearby areas; Meadow Gold Dairy area businesses and residents; Haleiwa Dive Shops. Please also notify our group Hui Malama O Pupukeya-Waimea of any actions as well; even though our focus is currently on Pupukeya-Waimea, many of us are concerned about this issue as well.

5. **Conservation organizations with expertise:** Hawaii Audubon Society, Conservation Council for Hawaii, Sierra

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