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75 CENTS

State Supreme Court invalidates telescope permit

By JENNIFER SINCO KELLEHER

The Associated Press

HONOLULU — A long-awaited Hawaii Supreme Court ruling Wednesday invalidating a construction permit for what would be one of the world's largest telescopes represents a major setback for the \$1.4 billion project on a mountain astronomers tout for having perfect star-gazing conditions.

The ruling is a victory for protesters who say they are fighting the project to curb development, preserve Native Hawaiian culture and protect the Big Island's Mauna Kea, a mountain many consider sacred.

The court ruled that the state Board of Land and Natural Resources should not have issued a permit for the telescope before a hearings officer reviewed a petition by a group challenging the project's approval.

"Quite simply, the board put the cart before the horse when it issued the permit before the request for a contested case hearing was resolved and the hearing was held," the court's 58-page opinion said. "Accordingly, the permit cannot stand."

The ruling sends the matter back for a new contested case hearing.

"Today's decision provides direction to a new land board and another opportunity for people to discuss Mauna Kea's future," state Attorney General Doug Chin said in a statement. "The court's decision is a victory for the people of Maui and Hawaii."

County preparing master plan for Kanaha Beach Park

By CHRIS SUGIDONO, Staff Writer

WAILUKU — Maui County is preparing a master plan to clean up and improve Kanaha Beach Park with public input that focused on the lack of public facilities, the growing homeless population and their ripple effects.

About 70 people met with county Department of Parks and Recreation officials Tuesday night at the Velma McWayne Santos Community Center to view proposed improvements and to offer their own suggestions. Parks officials and planning consultants provided a short presentation before breaking the crowd into several stations to allow for public input.

"When you develop any kind of master plan, getting those improvements made is really dependent on the folks that enjoy the space," said Michael Summers, president of Planning Consultants Hawaii, which was contracted by the county to prepare the plan.

See KANAHA on Page A4



The Maui News / CHRIS SUGIDONO photo

Coastal planner Thorne Abbott speaks to residents Wednesday night at the Velma McWayne Santos Community Center in Wailuku about new potential trails and paths and how they interact with wetlands and sand dunes at Kanaha Beach Park.

Kanaha

Continued from Page A1

Attendees were given colored dots and asked to prioritize their improvements by placing them on a map with corresponding proposed improvements, such as new restrooms and showers, new parking areas and a new lifeguard tower. The proposed improvements had been determined in October by focus groups made up of recreational ocean and beach users, commercial operators and community/environmental groups.

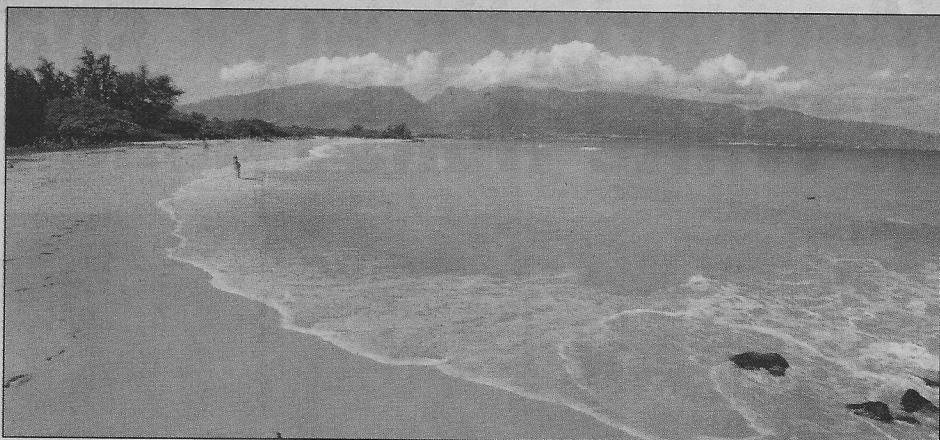
Among the most popular proposed improvements was a new lifeguard tower on the far east side of the beach and new restrooms and showers at the center of the park. More parking and beach access were the top vote-getters on the central/west side of the park.

The 84-acre park stretches roughly 1.31 miles and has 167 paved parking stalls and additional unimproved lots that provide significantly more parking. There are two full-service restrooms and additional port-a-potties, as well as four showers.

Park users overwhelmingly found Kanaha's natural beauty as their favorite feature along with its appeal for family parties, windsurfing and kitesurfing.

The most disliked aspect of the park was that it had become a magnet for homeless people and conflicts associated with them.

Kaanapali resident Robert Kindrachuk enjoys windsurfing at the beach about three or four times a week, but he said the homeless campground has overtaken parts of the beach. The park also is overrun by feral cats, which combined with the presence of homeless peo-



The Maui News / MATTHEW THAYER photo

A wave sweeps across the sand at Kanaha Beach Park on Tuesday. Park users overwhelmingly found the natural beauty of the beach as their favorite feature.

ple have caused serious health risks for park users and visitors, he said.

"All the feral cats are now using a lot of the parking area and grassy areas as cat litters because the water is turned off," Kindrachuk said. "Why is the water turned off? Because the homeless turn it off so they don't get sprayed at night. So you get a desertification of that grassy area and it turns into a giant kitty litter."

Kindrachuk showed photos he took on his phone of cat feces strewn across the beach, adding that he has seen a mother changing her baby in those areas. He said some women that come to the beach are pregnant and dangerously at-risk of contracting toxoplasmosis — a parasitic disease that can cause their baby to develop blindness or a mental disability.

The Centers for Disease Control and Prevention has targeted the disease as a priority for public health action due to the number of people infected, severity of the illness and ability to prevent and treat it. Among the methods of contracting the disease is accidentally swallowing the parasite through cat feces.

"If you're going to do something with the homeless, you can't let them take over public lands for their use when it has that negative ripple effect down the road," Kindrachuk said. "That to me is the biggest issue for Maui County."

Jerleen Bryant, chief executive officer of the Maui Humane Society, said that the society does not know exactly how many cats are at the park, but a study a couple years ago estimated roughly 1,100 cats.

"There are cat colonies

down there, or individual groups of cats, that some colony caretakers are managing properly and responsibly," Bryant said. "However, some are just being fed and what we discourage is simply feeding. We encourage responsible colony catering, which includes feeding, addressing medical needs, trapping and sterilizing unfixed cats and monitoring the overall health of the colony."

Bryant said she has heard similar concerns about cats defecating on the beach and that putting a ban on feeding would not fix the problem. She said the cat population at Kanaha is one of the denser ones on the island, but Humane Society officials have been unable to completely sterilize the cats in the area due to the homeless people.

The last mass trapping by the society was conducted in the spring, when a park ranger and one or two police officers escorted volunteers to set about 100 traps.

"Unfortunately, the homeless people were really thwarting our efforts by harassing our volunteers and causing excessive noise and distractions to scare the cats away," Bryant said. "If that hadn't been the case, we would have been really successful in sterilizing the cats earlier."

Many of the cats are already sterilized and periodic trapping is still carried out by volunteers, but Bryant said she hopes to completely sterilize the colony with the help of the county and community.

"We are a resource that they can contact for guidance," she said of caretakers. "We will provide traps. We will sterilize the animals at our clinic for ei-

ther low cost or no charge. We definitely want to be a resource for people who are willing to responsibly care for the community cats."

Stephen Cramer, Maui County park ranger supervisor, said the park averages about six to eight homeless families with more than 20 children. He said he prefers the word "houseless" because the families simply cannot afford \$1,200 to \$1,500 a month rent.

Cramer said the biggest issue for him is safety for all users, including the homeless people. He said suggestions for more lighting at night would mean more people would stay at the park. He suggested that the county should instead build a ranger station so officials could monitor who is inside the park from sunup to sundown.

The county has done sweeps of the park in past years with police officers and rangers, but county officials at the meeting could not recall the last time that happened. Mayor Alan Arakawa's administration has submitted five bills and a proposed budget amendment to the County Council to help police enforce nuisance laws and for the county to provide temporary aid to the homeless.

The county hopes to finish the scope of the Kanaha Beach Park master plan and begin preparing an implementation strategy in the spring next year. Once the plan is completed, the county will prepare and process an environmental assessment with a target implementation date of spring 2017.

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DICES...

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