

Debbie’s Ideas for Questions:

Topic	Chris Yuen	Pete Hoffman
<p>Declaration of Easements for Public Access – 2.1.1. <u>Easements Not Effective Until Acceptance by County</u> & 2.1.2. <u>Maintenance of Easements for Public Access Area</u></p>	<ul style="list-style-type: none"> ■ What is the process of “acceptance” by the County of full responsibility over the public access easements? ■ What County agency initiates the process? ■ What agency(ies) will construct, maintain, and control the accesses? ■ Would the County be willing and able to accept liability over the public accesses? 	<ul style="list-style-type: none"> ■ “Acceptance” by the County is likely to require County Council approval. Will you be willing to assist in moving such legislation forward? ■ What do you think is necessary in order for the County to accept full responsibility for the easements? ■ What do you think interested community groups could do to promote County acceptance of the public accesses that have been required of subdivisions?
<p>Community Involvement</p>	<ul style="list-style-type: none"> ■ Would the County be willing to enter into public access management agreements with community groups? Which County agency(ies) would enter into such an agreement? ■ If “yes” (to above), what would the County require of such a community group? i.e., 501 (c)(3) status, insurance, “track record”? ■ Could the County provide liability protection and financial assistance (within reason) to a community group that assumes maintenance and/or management responsibilities under an agreement with the County? ■ If you don’t have the answers to the above questions, can you help by forwarding these questions to the right people and get back to us with the responses? 	<ul style="list-style-type: none"> ■ Would the County be willing to enter into public access management agreements with community groups? Which County agency(ies) would enter into such an agreement? ■ If “yes” (to above), what would the County require of such a community group? i.e., 501 (c)(3) status, insurance, “track record”? ■ Could the County provide liability protection and financial assistance (within reason) to a community group that assumes maintenance and/or management responsibilities under an agreement with the County? ■ If you don’t have the answers to the above questions, can you help by forwarding these questions to the right people and get back to us with the responses?
<p>“Community Access”</p>	<ul style="list-style-type: none"> ■ A lot of communities are talking about “community access” rather than “public access” - in other words, to have access arrangements that allow the community to limit use of certain accesses to community members and their guests. How could such arrangements be legally accomplished? Is it legally possible to exercise such controls over accesses required by County permits? 	

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TMK: 5-6-01:50 – interruption in the lateral shoreline public access trail in Parker Ranch Subdivision	<ul style="list-style-type: none"> ■ Did Parker Ranch record a public access easement running mauka of this parcel, as agreed to in correspondence in January 2002? If so, can the easement be shown on the TMK map? As it is, the lateral shoreline public access trail is interrupted by parcel 50. 	
Pohaku Kea, LLC Subdivision in Kaiholena TMK: 5-8-01:11	<ul style="list-style-type: none"> ■ What needs to happen in order to open this shoreline public access? Can the public use it now? 	
Old Coast Guard Road – key section appears to have reverted back to private ownership on TMKs: 5-6-01: 74, etc.	<ul style="list-style-type: none"> ■ Can the Planning Department assist in determining the ownership status of the Old Coast Guard Road where it continues makai of TMK: 5-6-01:56? This is a particularly important access for public fishing and hiking that has been open to public use for many generations. 	<ul style="list-style-type: none"> ■ Can your office advise the N. Kohala citizens re: actions that could be taken to keep the Old Coast Guard Road open for shoreline public access, if its makai portion has reverted back to private ownership?
Use of Chapter 34 – Public Access Ordinance	<ul style="list-style-type: none"> ■ Why do some subdivision approvals require the subdivider to construct the public access trail while in N. Kohala there are a number of subdivisions that require the County to accept that responsibility? 	
Sunderland & Watkins “Wellness Retreat & Spa” TMK: 5-4-09:14 & 20	<ul style="list-style-type: none"> ■ Have the vehicular & pedestrian public access easements been recorded with the land as required by the Public Access Plan approved in March 2004? If so, will they be drawn on the TMK map? 	